

IAUJKET1

Thompson - cross

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 00243 SHS

5 ANDREW OWIMRIN, a/k/a "Andrew Owens,"
6 a/k/a "Jonathan Stewart," and
7 SHAHRAM KETABCHI, a/k/a "Steve Ketabchi,"

8 Defendants.

-----x

October 30, 2018
9:30 a.m.

10 Before:

11 HON. SIDNEY H. STEIN,

12 District Judge
13 and a jury

14 APPEARANCES

15 GEOFFREY S. BERMAN,
16 United States Attorney for the
17 Southern District of New York
18 KIERSTEN ANN FLETCHER,
19 ROBERT BENJAMIN SOBELMAN,
20 BENET JEANNE KEARNEY,
21 Assistant United States Attorneys

22 SAM A. SCHMIDT,
23 ABRAHAM JABIR ABEGAZ-HASSEN,
24 Attorneys for defendant Owimrin

25 KENNETH A. PAUL,
JACOB MITCHELL,
Attorneys for defendant Ketabchi

Also Present:

CHRISTOPHER BASTOS, Detective NYPD and HSI
CHRISTINE LEE, Paralegal USAO
SAMUEL TUREFF, Paralegal

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1 (Trial resumes)

2 (In open court; jury not present)

3 THE COURT: Good morning. The last juror has just
4 arrived. I understand the parties have issues. Please be
5 seated in the courtroom.

6 I do wish to remind the parties to agree upon, if you
7 can, a verdict form. It should be fairly straightforward and
8 to present it to me tomorrow, the verdict form.

9 Yes, who has issues?

10 MS. KEARNEY: Your Honor, after the conclusion of Ms.
11 Thompson's testimony, the government intends to introduce the
12 deposition of Charlene Foster along with the transcript as an
13 aid to the jury.

14 THE COURT: We have been over that, yes. How long is
15 that?

16 MS. KEARNEY: An hour and 15 minutes inclusive.

17 THE COURT: All right.

18 MS. KEARNEY: Mr. Schmidt raised last night and again
19 this morning that he wishes to introduce extrinsic evidence of
20 a prior inconsistent statement of Ms. Foster that she made to
21 her daughter-in-law, Blake Foster. The government believes
22 that is inappropriate under Rule 613.

23 THE COURT: Mr. Schmidt.

24 MR. SCHMIDT: Your Honor, there are two separate
25 issues involving this. The first one involves a statement made

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1 by Charlene Foster.

2 THE COURT: Wait. First of all, you cited Rule 615?

3 MS. KEARNEY: 13, your Honor.

4 THE COURT: 613? All right. Let me look at it.

5 (Pause) Yes, sir. First of all, let me get the timing on
6 this. Mr. Abegaz-Hassen, how much longer do you envisage being
7 with this witness on cross?

8 MR. ABEGAZ-HASSEN: I would estimate an hour to an
9 hour and a half.

10 THE COURT: Really?

11 MR. ABEGAZ-HASSEN: I will try to make it quicker.

12 THE COURT: I would think you'd want to. All right.

13 Mr. Schmidt, so it is 10:00, 11:30, and then how long
14 is the tape again?

15 MS. KEARNEY: An hour and 15 minutes.

16 THE COURT: That would bring us to noon. Tell me what
17 the issue is, Mr. Schmidt.

18 MR. SCHMIDT: There are two inconsistent statements.

19 One of them, I had the 3500 material, the
20 daughter-in-law at the time of the deposition, and I asked the
21 witness if she told her daughter-in-law --

22 THE COURT: So this is you at the deposition?

23 MR. SCHMIDT: That's correct. I asked her if she told
24 her daughter-in-law the specific issue, and she said no, all
25 right?

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1 THE COURT: Just to help me, what is the issue?

2 MR. SCHMIDT: I asked her if she told her
3 daughter-in-law that they tried to do all of her tax filings.

4 THE COURT: Who is "they"?

5 MR. SCHMIDT: Well, in the context of the deposition
6 was the A1 or the people of A1.

7 THE COURT: Okay. So did you tell your
8 daughter-in-law that A1 was really doing work?

9 MR. SCHMIDT: They tried, that they tried to do her
10 tax filings.

11 MS. KEARNEY: This is on Page 50 of the deposition, if
12 that is helpful.

13 THE COURT: Do I have that here?

14 MS. KEARNEY: You should. It is Government Exhibit
15 116 FT.

16 THE COURT: Hold on. (Pause)

17 MR. SCHMIDT: Line 12, your Honor.

18 MS. KEARNEY: If I may, your Honor, while you're doing
19 that, the reason this is coming up is an effort to streamline
20 the case, we decided we are not going to call Blake Foster.

21 THE COURT: That is the daughter-in-law, I take it?

22 MS. KEARNEY: That is the daughter-in-law. We were
23 hoping to do a stipulation what her testimony would be. We
24 were not able to agree. Our decision at this point is not to
25 call her at all.

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1 THE COURT: You said it is Government Exhibit 115?

2 MS. KEARNEY: 116.

3 MS. KEARNEY: FT.

4 THE COURT: Just a moment. 116 FT. Because the jury
5 is here -- no. You know what? Let me hear what the is issue.

6 MR. SCHMIDT: So I asked Charlene Foster did you tell
7 Blake that they tried to do your tax filings for you?

8 THE COURT: What page are we on?

9 MS. KEARNEY: The second page of the exhibit, it is
10 numbered Page 50.

11 THE COURT: Did you tell Blake that they tried to do
12 your tax filings for you? No, I never told her that. I said
13 they would do my taxes for me and that was nothing to do with
14 Al. They were going to do it all. I am not sure I understand
15 it.

16 MR. SCHMIDT: The difference is that, your Honor, that
17 saying they're going to do it and trying to do it are two
18 different things.

19 THE COURT: All right. Did you tell Blake that they
20 tried to do your tax filings? No, I never told her that. I
21 said they would do my taxes.

22 Is that the emphasis you want? Not that they tried,
23 but they they would do it?

24 MR. SCHMIDT: No, no. What I want to bring out was
25 that they tried to do it. What she told Blake was they tried

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1 to do it because she did not answer her phone calls, so
2 obviously they were unable to complete that process as opposed
3 to no one making an effort to do it after they said they would
4 do it. That is the distinction.

5 MS. KEARNEY: The part about the phone calls and
6 Charlene Foster not keeping her supposed appointments with the
7 company is elsewhere in the transcript. That will be clear.
8 That will be included when presented to the jury.

9 THE COURT: You lost me on that. I am trying to
10 follow it bit-by-bit.

11 MS. KEARNEY: It seems to me the point Mr. Schmidt
12 wants to make through wanting to introduce this statement that
13 Charlene made to Blake is that --

14 THE COURT: What is it, Mr. Schmidt, what is the
15 statement you have that Charlene made to Blake?

16 That is the allegedly prior inconsistent statement.
17 Is that correct?

18 MR. SCHMIDT: Yes, yes.

19 THE COURT: What is that statement, and where do I
20 find it?

21 MR. SCHMIDT: It is the 3500 material, 3505-09. I
22 will read it verbatim to you.

23 THE COURT: Yes.

24 MR. SCHMIDT: CF, which means Charlene Foster, told
25 BF, which you know is Blake Foster, that they tried to do all

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1 of her tax filings.

2 THE COURT: Just a moment because this is new to me.

3 (Pause) So if I follow your point, sir, Charlene said
4 she never told Blake that they tried to do her tax filings, and
5 here you have a 3500 report that says Charlene did tell Blake
6 they tried to do her tax filings. Is that your point?

7 MR. SCHMIDT: Yes.

8 THE COURT: Now let me look at 16 (b).

9 Extrinsic evidence of a witness's prior inconsistent
10 statement is admissible only if the witness is given an
11 opportunity to explain or deny the statement and an adverse
12 party is given the opportunity to examine the witness about it
13 or if justice so requires.

14 All right. Government?

15 MS. KEARNEY: First off, I don't think it is a prior
16 inconsistent statement. Ms. Foster's answer is ambiguous at
17 best, and that will be clearer in the video as well.

18 THE COURT: What is ambiguous about, "I never told her
19 that"?

20 MS. KEARNEY: She said they said they would do my
21 taxes and that has nothing to do with A1. It seems to me there
22 is just a miscommunication between Mr. Schmidt and Ms. Foster.

23 THE COURT: Go ahead. Assuming it is a prior
24 inconsistent statement, what then?

25 MS. KEARNEY: Well, your Honor, Ms. Foster is

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1 obviously not here in person. We cannot follow up with her
2 about it.

3 THE COURT: Charlene, you mean?

4 MS. KEARNEY: Yes, Charlene is not here in person. We
5 can't follow up with her about it and she was never actually
6 presented with this statement.

7 THE COURT: Extrinsic evidence of a witness's prior
8 inconsistent statement is admissible only if Charlene is given
9 an opportunity to explain her statement that, "I never told
10 Blake they tried to do my tax filings," and an adverse party --
11 I don't know who would be adverse -- is it adverse to the party
12 seeking the introduction of the prior inconsistent statement?

13 MS. KEARNEY: I think the government would be the
14 adverse party.

15 THE COURT: All right. And the government is given an
16 opportunity to question Charlene about it, or if justice so
17 requires.

18 Mr. Schmidt, she is not here. There doesn't seem to
19 be an opportunity. There was only an opportunity during the
20 deposition, but there was nothing -- we didn't know about
21 inconsistencies during the deposition.

22 MS. KEARNEY: To be fair, your Honor, we did. The
23 notes that Mr. Schmidt is referring to --

24 THE COURT: He didn't have that note then.

25 MS. KEARNEY: Yes, he did. These notes, 3505-9, are

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1 dated September 10th. They were produced a week ahead of the
2 October 1st deposition. We produced 3500 for both Charlene and
3 Blake ahead of the deposition.

4 THE COURT: Now I understand that, Mr. Schmidt.

5 MR. SCHMIDT: I did confront her with the prior
6 inconsistent statement, giving her the opportunity.

7 THE COURT: Where?

8 MR. SCHMIDT: When I asked her did you tell Blake,
9 that's the opportunity she has to explain it. That is the
10 opportunity.

11 THE COURT: I understand what you're saying. (Pause)
12 so let's give you the benefit of the doubt here. You
13 looked at the 3500 material a week prior to the deposition.
14 You saw that in the 3500 material it said Charlene told Blake
15 they tried to do her tax filings.

16 MR. SCHMIDT: And I confronted her with it. If I
17 didn't ask her --

18 THE COURT: No. You say only if the witness is given
19 an opportunity to explain or deny the statement. That would be
20 Charlene. You told --

21 MR. SCHMIDT: Charlene --

22 THE COURT: Just a second. You told Blake they tried
23 to do your tax filings. Explain the fact that now you say I
24 never told Blake that, right? That would be confronting him
25 with the prior inconsistent statement.

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1 MR. SCHMIDT: No. Confronting her is asking her if
2 she did. What that section means is that I could not ask her
3 about that prior inconsistent statement, and then at a later
4 time try to bring out the prior inconsistent statement without
5 asking her about it. I asked her about it. That is the
6 confronting. So she had the opportunity to say yes, yes --

7 THE COURT: I understand what you're saying. It says
8 opportunity to explain or deny the statement. At least --

9 MR. SCHMIDT: She denied it.

10 THE COURT: -- at least in the excerpt I read here
11 aloud, there is no telling her you earlier told Blake that they
12 tried to do your tax filings. Explain or deny that.

13 In other words, it looks, again on the limited reading
14 I just did, that you never gave Charlene an opportunity to
15 explain or deny the statement. Indeed, you never told Charlene
16 that she had made a prior statement to Blake that they tried to
17 do her tax filings.

18 MR. SCHMIDT: I did. I said didn't you tell Blake,
19 and then she denied it.

20 THE COURT: Ah, ah, I see now. Did you tell Blake?
21 All right. Let me think.

22 MR. SCHMIDT: And then she denied it.

23 THE COURT: Extrinsic evidence of a witness's prior
24 inconsistent statement is admissible only if Charlene is given
25 an opportunity to explain or deny the statement. Going back to

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1 the transcript: Did you tell Blake that they tried to do your
2 tax filings? Answer: No.

3 And an adverse party, the government, is given an
4 opportunity to examine the witness about it.

5 MR. SCHMIDT: And they were there. They had redirect
6 examination.

7 THE COURT: All right. Ms. Kearney.

8 MS. KEARNEY: Your Honor, Mr. Schmidt never gave Ms.
9 Foster any indication of the context of that statement.

10 THE COURT: He doesn't have to do context. What he
11 has to do, did you tell Blake that they tried to do your tax
12 filings.

13 MS. KEARNEY: I think, your Honor, the way the
14 question is phrased, there is no indication there that she did
15 tell Blake. It is an open-ended question. It is not didn't
16 you tell Blake that.

17 THE COURT: I am sorry. Say that again.

18 MS. KEARNEY: It is an open-ended question. It is not
19 didn't you tell Blake that, implying she had.

20 THE COURT: I see. Does the nicety, does 613 (b) turn
21 on the nicety of that contraction?

22 MS. KEARNEY: I don't think there is a civility
23 requirement of 613 (b), your Honor, but confronting a witness
24 with a statement is more than --

25 THE COURT: I understand. Let's get testimony in

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1 here. I will consult with Weinstein on this at least on paper.

2 MR. SCHMIDT: The second point is that after the
3 deposition, we received 3500 material of Blake Foster, that
4 Blake Foster said that Charlene Foster initiated the dispute,
5 and clearly meaning the dispute with the Discover credit card
6 company, right? We did not know that.

7 THE COURT: Wait. Charlene initiated the dispute?

8 MR. SCHMIDT: Yes. That is why Blake Foster told the
9 government, as reflected in the 3500 material, of --

10 THE COURT: Go ahead.

11 MS. KEARNEY: And --

12 THE COURT: Let him finish. Remember, just two at a
13 time.

14 MR. SCHMIDT: And during the deposition, Ms. Charlene
15 Foster said that she didn't not know anything about
16 Charge-backs being initiated, and I assumed at the time based
17 on what we had there, that we knew at some point, based on the
18 material that we had, that Blake Foster was dealing with the
19 credit card companies.

20 We assumed that it was Blake Foster who initiated the
21 Charge-backs, and it turns out, obviously, it wasn't. It was
22 Charlene. We did not have that. Normally we did not confront
23 Charlene Foster with it, and that is one of the usual things
24 that must be done.

25 However, because it is a deposition, because it is not

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1 clear, the second section of B says "or if justice so
2 requires," so it would seem to me that justice would so require
3 because we did have that deposition, that it is now confusing
4 as to who initiated the charge-back; and, therefore, under that
5 section, that simple prior inconsistent statement, that --

6 THE COURT: All right. Show me in the deposition
7 transcript where the testimony is.

8 MR. SCHMIDT: Page 30.

9 THE COURT: Government, what exhibit?

10 MS. KEARNEY: This is going to be -- I don't have the
11 page number. I am sorry, your Honor.

12 THE COURT: That's all right. Read it to me, sir.

13 MR. SCHMIDT: Page 30, Line 7:

14 At the time you said you stopped answering the phone
15 with these people, were you aware whether anybody took steps to
16 recover the money from the credit card companies that you paid
17 out? Answer: I'm not aware.

18 Obviously, you have to be aware --

19 THE COURT: Just a moment. Just a moment.

20 MR. SCHMIDT: 30.

21 THE COURT: All right. So Charlene says I'm not aware
22 of any efforts to recover money from the credit card companies,
23 and after the deposition you find out in 3500 material, I take
24 it, of an interview of Blake, Blake says Charlene initiated the
25 dispute with Discover.

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1 And extrinsic evidence of a witness's prior
2 inconsistent statement; that is, Blake's statement to the
3 government that Charlene initiated the dispute with Discover,
4 is admissible if the witness is given an opportunity to explain
5 or deny the statement, and you say never mind that because you
6 didn't even know about it until you got the 3500 material
7 later, and an adverse party is given an opportunity to examine
8 the witness about it. That doesn't matter because of the
9 timing, or if justice so requires.

10 Why does justice so require this?

11 MR. SCHMIDT: Your Honor --

12 THE COURT: Because we know, according to you, what
13 she said is not true.

14 MR. SCHMIDT: That is correct, and also what she did
15 say was going to be part of this, is that she only told her
16 children recently, very recently about these charges, right?

17 And that was October 1, 2018 she said it, and Ms.
18 Blake Foster said that they found out about this either in
19 February or April of 2016. So we have a woman, and I don't
20 know if you watched, read the transcript or watched her, a
21 woman who had a hard time remembering things, who got this
22 basic important information incorrect, and now we have somebody
23 who does not have any memory problems, who has told us what the
24 correct --

25 THE COURT: Well, you're going far afield now. I take

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1 it what you would be doing on this, we'll call it the second
2 one, is simply reading to the jury the prior inconsistent
3 statement; that is, the statement from the 3500 material of
4 Blake, right?

5 MR. SCHMIDT: Yes, your Honor.

6 THE COURT: Because, because the other statement of
7 Charlene is already in the deposition that they're going to
8 see. I take it all you do is after the deposition, read the
9 Blake statement from the 3500 material?

10 MR. SCHMIDT: That statement and the time that Blake
11 found out about it, just so the record --

12 THE COURT: I understand. What is the position of the
13 government?

14 MR. SCHMIDT: -- the jury is not misled by obvious
15 incorrect testimony.

16 THE COURT: I understand, sir. What is the position
17 of the government here apart from the fact that she is not
18 being given an opportunity to explain or deny.

19 MS. KEARNEY: Correct. This is no different from when
20 a witness testifies early in the trial, and then the defense
21 receives 3500 material for a different witness that the
22 government took after the first witness testifies that is
23 inconsistent. So what happens here is --

24 THE COURT: Well, Mr. Schmidt may take the position
25 so, too, in that case he should have had the opportunity to

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1 introduce a prior inconsistent statement.

2 MS. KEARNEY: But she would not have the opportunity
3 to explain or deny. Ms. Foster was deposed on October 1st.
4 The government met with Blake Foster after that, and at one of
5 those subsequent meetings Blake said that Charlene initiated
6 the dispute. We produced that in 3500.

7 But at the time of the October 1 deposition,
8 Mr. Schmidt had ample materials to question Charlene regarding
9 the initiated of the dispute. So, for example, he had the
10 dispute from Capital One that is dated December 2015, which is
11 only a few weeks after she signed the contract with A1 Business
12 Consultants, which was in October 2015. And now she testified
13 at her deposition that she didn't tell her children about these
14 fraudulent charges until recently, so a Capital One document
15 dated December 2015 would suggest that someone other than her
16 children initiated that dispute.

17 THE COURT: All right. This is what I am going to
18 do --

19 MR. SCHMIDT: May I just, your Honor?

20 What I am concerned about now, if the government was
21 aware at the time of the deposition that the testimony that
22 Ms. Charlene Foster was giving was incorrect, they would have
23 an obligation to correct it in some manner. So the idea this
24 is the same thing of them having 3500 material given to me
25 later on during the course of the trial, if they were aware of

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1 that material, they would have the obligation to correct it.

2 THE COURT: This is what I am going to do. I want to
3 do a little research, as I say, on the issue, but I want to get
4 the testimony in front of this jury. Bring the jury in. Bring
5 the witness in. I really think, Mr. Abegaz-Hassen, you should
6 try to expedite your cross as much as you can consistent with
7 your client's rights. I think you actually have gotten some
8 material you can use from this witness already.

9 MR. ABEGAZ-HASSEN: Thank your Honor.

10 THE COURT: I say that in the interests of having you
11 expedite matters. Come forward, ma'am. The witness is now in
12 the courtroom. Good morning, Ms. Thompson.

13 THE WITNESS: Good morning.

14 (Jury present)

15 THE COURT: Good morning, ladies and gentlemen.
16 Please be seated in the courtroom. Again we were handling
17 legal matters. Please be seated.

18 MR. ABEGAZ-HASSEN: May I proceed, your Honor?

19 THE COURT: No, not yet. Ladies and gentlemen, we'll
20 take our mid-morning break around 11:45 or so and remember
21 we're going to have lunch at 2:00. Ms. Thompson, welcome, and
22 I remind you that you remain under oath. You understand that?

23 THE WITNESS: Yes, sir.

24 THE COURT: Please speak loudly, slowly and clearly.

25 CROSS EXAMINATION (Continued)

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1 BY MR. ABEGAZ-HASSEN:

2 Q. Good morning, Ms. Thompson.

3 Yesterday we spoke about some of the companies and
4 things that happened before December of 2013.

5 THE COURT: You, too, sir, speak into the mike and
6 speak loudly, please.

7 Q. Do you remember that?

8 A. I remember you discussing that, yes.

9 Q. Now I want to move on and go, start talking about the
10 things that started happening in December of 2015. Yesterday
11 you testified about First Trend, and First Trend is also known
12 as Tri-star or KB Consulting. Is that right?

13 A. I don't know.

14 Q. Are you familiar with First Trend, the name?

15 A. I'm familiar with the name of First Trend, yes, but I don't
16 know if they're the same company.

17 Q. Okay. So would it help if you looked at your notes?

18 MS. KEARNEY: Objection, your Honor. She just
19 testified she doesn't know, not that she doesn't recall.

20 THE COURT: Sustained.

21 BY MR. ABEGAZ-HASSEN:

22 Q. Do you remember writing a check on December 11th to KB
23 Consulting?

24 A. I don't remember off the top of my head, no.

25 Q. Would it help to have your notes?

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1 A. Sure.

2 Q. Could I refer you to 3506-02. That is also Government
3 Exhibit 165, Page 6. Read to yourself just the top of that
4 page there.

5 A. (Pause)

6 THE COURT: What is the question?

7 BY MR. ABEGAZ-HASSEN:

8 Q. Does that refresh your recollection that you wrote a check
9 on December 11th to KB Consulting and sent it to that address,
10 First Trend Marketing, attention Emily Miller?

11 MS. KEARNEY: Objection, your Honor. He is reading
12 from a document not in evidence.

13 THE COURT: Does that refresh your recollection in
14 regard to whether you wrote a check on December 11 to KB
15 Consulting?

16 THE WITNESS: No, it does not.

17 MR. ABEGAZ-HASSEN: I'll come back to that in one
18 minute.

19 (Off-the-record discussion)

20 BY MR. ABEGAZ-HASSEN:

21 Q. You remember testifying yesterday that you did send several
22 checks to KB Consulting. Is that right?

23 A. Yes, I do.

24 Q. Do you remember on the check on December 11th?

25 A. I don't remember it off the top of my head, no.

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1 Q. Can we get, I believe it is Government Exhibit 902 A.

2 The first person you spoke to from Tri-star was Mr.
3 Goldman, right?

4 A. I'm not sure. I'd have to check my notes.

5 MS. KEARNEY: Is there a question about 902 A?

6 THE COURT: No. Let him ask his questions.

7 BY MR. ABEGAZ-HASSEN:

8 Q. May I refer you to Government Exhibit 165, Page 2.

9 A. What is the question?

10 Q. Do you remember speaking with Mr. Goldman from Tri-star?

11 A. Yes. I don't remember it off the top of my head. I
12 remember speaking with Michael Goldman, and after looking at my
13 notes, I know that he was from Tri-star.

14 Q. What you were buying from them, what you thought you were
15 buying from Mr. Goldman was merchant processing. Is that
16 right?

17 A. Can I look at my notes again?

18 THE COURT: Forget the notes for the moment.

19 What did you believe you were buying from Mr. Goldman?
20 Don't worry about your notes. What did you think you were
21 buying from him?

22 THE WITNESS: If at that time I had written a check to
23 him, then I believed I was buying merchant processing, I call
24 it --

25 THE COURT: Terminal?

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1 THE WITNESS: Terminal. Thank you.

2 BY MR. ABEGAZ-HASSEN:

3 Q. So at that time they led you to believe that you were
4 buying a merchant processing business for yourself, right?

5 A. A merchant processing terminal.

6 Q. You were going to use that to start a business for
7 yourself?

8 A. Well, that would be what I would be getting, not a
9 business, but, yes.

10 Q. He explained to you, and you had conversations about the
11 financials and the details of how much money you would be
12 earning from that merchant processing?

13 A. I'm not sure what you mean by the financials and the
14 details.

15 Q. He gave you figures, percentages you would earn?

16 A. Yes.

17 Q. Do you remember the details of that?

18 A. I remember some of the details of that.

19 Q. What were you supposed to be earning?

20 A. We would split the percentage that would be earned on the
21 merchant terminal and I would get a set amount which was
22 \$500.00 for each terminal that was placed, and then as I
23 testified yesterday, if they borrowed against that terminal or
24 with that, then there would be some residual from it also.

25 Q. It was through those conversations with Mr. Goldman that

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1 you were introduced to Emily Miller. Is that right?

2 A. After I did not agree -- this was before I wrote the check,
3 before I agreed to do that, he introduced me to Emily Miller
4 because I wasn't agreeing to do it before I wrote that check.

5 Q. He introduced you to Emily Miller before you wrote the
6 check, and did Emily convince you to work with Mr. Goldman and
7 write that check?

8 A. In conjunction with both of them, yes.

9 Q. You regularly talked to Emily Miller on her cell phone. Is
10 that right?

11 A. I did.

12 Q. You would text and talk quite regularly, at least three or
13 four times a day?

14 A. Yes.

15 Q. Sometimes more?

16 A. Sometimes.

17 Q. It was through this business opportunity that you learned
18 that you were introduced to Steve Blake. Is that right?

19 A. Yes.

20 Q. And he was introduced as your campaign manager?

21 A. Yes.

22 Q. He called you once a week, right?

23 A. Yes.

24 Q. Were you supposed to do anything else with him? Did he
25 give you tasks or other things to do?

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1 A. No, he did not.

2 Q. As you talked to Steve, you also would check in with Emily.
3 Is that right?

4 MR. PAUL: Could you clarify what Steve you're talking
5 about.

6 MR. ABEGAZ-HASSEN: My apologies.

7 BY MR. ABEGAZ-HASSEN:

8 Q. When you would speak to Steve Blake, you would check in
9 with Emily from time to time about what Steve Blake was telling
10 you. Is that right?

11 A. She would ask me what he was telling me, and I would tell
12 her.

13 Q. And she would sometimes disagree with Steve and sometimes
14 agree. Is that right?

15 A. I'm not sure what you mean by that.

16 Q. But at the time you developed a trust with Emily. Is that
17 right?

18 A. Yes, that's true.

19 Q. If you had problems or questions about the things that
20 Steve or Steve Blake or Mr. Goldman were telling you, you would
21 ask those questions of her. Is that right?

22 A. To her, and then along with that time I had been introduced
23 to --

24 Q. I'm just talking about the time with Tri-star the first
25 time. You would talk to Emily and you would talk to other

IAUJKET1

Thompson - cross

1 people as well?

2 A. Yes, but that only went on for about a week or so, and by
3 that time I had been introduced to your defendant, but I knew
4 him as another name and I would ask him about it also.

5 Q. I haven't gotten there yet. I am just talking about this
6 initial contact --

7 THE COURT: Next question.

8 Q. She told you she was in Delaware. Is that right?

9 A. Sometimes she said she was there and sometimes she said she
10 was in another state, in Nevada. But then the time zones,
11 times started getting mixed up. Sometimes, yeah, that's true.

12 Q. It was Emily who came up with the idea to get more add-ons
13 to your existing merchant accounts, right, your merchant
14 processing?

15 A. No, I don't think so.

16 Q. It was Emily who said you went with A1. Isn't that right?

17 A. I believe it was A1 next. I don't think it came next. I
18 don't believe so. It went before another company before that
19 one.

20 Q. What was the other company?

21 A. I'd have to refer to my notes, but I believe there was
22 First Trend, and then there was something else before A1. Off
23 the top of my head, I thought there were three, I thought there
24 was another one in-between there.

25 Q. Around what date?

IAUJKET1

Thompson - cross

1 A. It would have to be in December.

2 Q. Would it help to look at your notes from December? Would
3 that help you remember?

4 A. Probably, yes.

5 Q. Could we show the witness Government Exhibit 165, Page 7.

6 A. (Pause)

7 Q. Does that help you remember?

8 A. That helps me remember First Trend that Steve Blake talked
9 about and how I would make money from them and how he would
10 collect the fees. That is not money I would pay; that is money
11 I would receive.

12 Q. So yesterday on your direct testimony you testified that
13 you would have gotten a number for A1 from Emily? Is that
14 right?

15 A. Number from A1 from Emily?

16 Q. That you got the number for A1 from Emily Miller?

17 A. I don't know there was a direct number for A1. I got the
18 number that she had and she was working at eventually for A1,
19 so that is why I put A1 under her name.

20 Before that if you could back up in my phone, it would
21 have said she worked for whatever the first company she had and
22 the next company and the next company, so each time in my
23 contact numbers, I would have changed the title under her name.
24 So I don't know if A1 had an original number for them or not.
25 What I am saying is I put the title of where they were under

IAUJKET1

Thompson - cross

1 the name just like I did for everyone else.

2 Q. That makes sense.

3 On your testimony yesterday you said that the original
4 number that you got to talk to Jonathan Stewart from A1 was
5 from Emily. Is that correct?

6 A. That's correct.

7 Q. Now, why did Emily give you that number?

8 A. Because she wanted to introduce me to her partner, that
9 they would be working closely together and she wanted me to
10 work with the two of them, and she, as I testified yesterday,
11 after going through, after talking with -- once my name was out
12 on the internet, after I had looked into different companies
13 and was trying to find something that I wanted, that I could do
14 at home, once my name was out there, I was bombarded with calls
15 constantly, multiple times a day.

16 So I wasn't answering these calls any more, so then if
17 I found somebody I was going to talk to like I thought I had
18 found somebody I could trust, then I would tell them. If
19 somebody is going to call me, I need their number because if I
20 don't have their number and their name plugged in my phone, I
21 am not going to answer the phone.

22 So Emily, just like Michael Goldman, gave me Emily's
23 name and number they would call me from. I put it in my phone.
24 When they called, I would answer, and Emily did the same. I
25 said tell me his name and number, and I put it in my phone so

IAUJKET1

Thompson - cross

1 when they call, I'll answer. When they called, they say okay,
2 here is my cell number or my office number and this and that,
3 and I put that in my phone, and they would say they were
4 calling, for instance, from First Trend or whatever.

5 Well, they would say, at that point point they would
6 say we are working for A1 now, A1 Business Consultants, and
7 that is why I changed the contacts to say A1.

8 Q. So you didn't want to talk to anyone unless Emily told you
9 that you could talk to them first or they were trustworthy?

10 A. No, I am not saying only Emily. I am just saying only if I
11 felt like it was somebody I felt was legitimate at the time. I
12 am not saying Emily was the be all and end all, the only person
13 I trust in. I am not that --

14 Q. In this particular case, you got the number for A1 from
15 Jonathan Stewart from Emily?

16 A. I did. Then once I started talking to him --

17 (Continued on next page)

IAU8KET2

Thompson - Cross

1 A. (Continuing) Then once I started talking to him -- I will
2 let you ask the questions. It's your job.

3 Q. So when you first had that first conversation with A1, the
4 idea was to add things on to your business, right?

5 A. No.

6 Q. What were the things that you bought in that first -- what
7 were the things you discussed in that first conversation with
8 A1?

9 A. I don't remember. I would have to look at my notes to tell
10 you that.

11 Q. Could I refer you to Government Exhibit 165, page 8.

12 Have you had a chance to read it?

13 A. Yes.

14 Q. So isn't it true that in that first conversation with A1,
15 the main thing you were buying was an LLC, is that right?

16 A. No. The main thing that we talked about doing was the need
17 to set up an LLC and what went along with that.

18 Q. OK. There were some reasons that you wanted to do that
19 that you expressed. You wanted to do it to add professionalism
20 to your existing business?

21 A. No. There were reasons that he expressed I needed to do
22 that, not that I expressed, and I wrote those down.

23 Q. That you were to add professionalism?

24 A. He said I needed to add professionalism.

25 Q. And legitimacy?

IAU8KET2

Thompson - Cross

1 A. And legitimacy he said.

2 Q. And the protection, tax deductions, business checking,
3 things like that, right?

4 A. That's what he told me, yes. Those were the bullet points
5 that he was telling me, and that's why I wrote them down that
6 way.

7 Q. And on your direct testimony yesterday, you said you did it
8 because you wanted your company to be legitimate and legal, is
9 that right?

10 A. I said I took notes accurately and precisely because I
11 wanted my company to be legal and accurate. I didn't say I did
12 all that for that reason.

13 Q. On your direct testimony yesterday, when you were asked why
14 you needed an LLC, didn't you say that you wanted your company
15 to be legitimate and legal? Do you remember saying that?

16 A. I don't remember saying it in those words, but if I did,
17 then I must have. What I'm saying is --

18 Q. So that first conversation, what came out of that was a
19 decision to purchase an LLC, and you got some follow-up from A1
20 shortly thereafter, is that right?

21 A. I'm not sure what you mean by follow-up.

22 Q. Well, you were on the call, right? You had a call with
23 Jonathan?

24 A. According to the note you showed me and I just read, we had
25 another appointment a few days later at 11 a.m. Is that the

IAU8KET2

Thompson - Cross

1 follow-up you're speaking of?

2 Q. Yeah. And you spoke with the people from fulfillment,
3 right?

4 A. Not that 11 a.m. call. That 11 a.m. call was supposed to
5 be with Jonathan Stewart. There was a time when I spoke with
6 fulfillment.

7 Q. And the people with fulfillment --

8 A. You are getting kind of confused a little bit.

9 Q. Thank you for correcting me.

10 A. You're welcome.

11 THE COURT: The jury will disregard the badinage.

12 THE WITNESS: I'm sorry, your Honor.

13 THE COURT: It's all right.

14 Q. So when you talked to fulfillment, they were supposed to do
15 the LLC work for you, is that right?

16 A. That's what I was told, yes.

17 Q. And they were supposed to search names and help figure that
18 out, right, the names for the LLC, right?

19 A. That's what I was told, yes.

20 Q. And they would follow up and set future calls so that you
21 maintained contact and kept things moving, right?

22 After every call, you would set up another appointment
23 with them?

24 A. They would set up another appointment with me, yes.

25 Q. Do you remember on December 18 you spoke with Stephanie and

IAU8KET2

Thompson - Cross

1 Samantha?

2 A. I can't say I remember that exact date, but I would have
3 kept it in my notes.

4 Q. Can I refer you to Government Exhibit 165, page 10.

5 So in that appointment, they were supposed to do some
6 things for you?

7 MS. KEARNEY: Your Honor, I think he is refreshing the
8 witness's recollection. We haven't had an answer.

9 MR. HASSEN: Withdrawn.

10 THE COURT: Take a look at page 10.

11 Does that refresh your recollection of the exact date?

12 THE WITNESS: Only because I see it written there. So
13 it doesn't refresh my recollection of the exact day.

14 THE COURT: Next question then.

15 Q. When you wrote that, that was -- when you made these notes,
16 you made them when they were fresh in your mind?

17 A. Absolutely.

18 Q. And they were accurate at the time you wrote them?

19 A. Yes.

20 MR. HASSEN: I offer page 10 of Government Exhibit
21 165.

22 MS. KEARNEY: Your Honor, she can read from the
23 document. But if Mr. Hassen is going to offer a page, we
24 request that the whole document be admitted.

25 THE COURT: He is not going to want that.

IAU8KET2

Thompson - Cross

1 I shouldn't speak.

2 MR. HASSEN: I don't need the whole document.

3 THE COURT: Read from the item you're referring her
4 to.

5 Q. Just that middle paragraph there and the star where it says
6 "next appointment."

7 A. "Receive paperwork for corporate setup and I sign and send
8 on to state. She will get with accountant and see which state
9 we should use -- South Carolina, North Carolina -- and call me
10 back with that. Then they will need to get documents going and
11 search for available name for LLC. Then send out documents for
12 my PO. I will then need to sign and date and forward to
13 appropriate state for approval. Next call later today after
14 her conference with accountant. Next appointment Monday 12/28
15 at 2 p.m."

16 THE COURT: Next question.

17 Q. And you had that next appointment on 12/28, isn't that
18 right?

19 A. I don't know without looking at my notes.

20 Q. Could I refer you to the same document, page 12.

21 THE COURT: Did you have that appointment on 12/28?

22 THE WITNESS: Yes, sir, I did.

23 THE COURT: Next.

24 Q. And they basically told you that they had messed up with
25 the shipping, is that right?

IAU8KET2

Thompson - Cross

1 THE COURT: Don't worry about your notes. Can you
2 answer the question? On that 12/28 telephone conference, did
3 they basically tell you that they had messed up on the
4 shipping?

5 THE WITNESS: I have no recollection of that.

6 THE COURT: All right.

7 Q. Would it help to read the notes?

8 THE COURT: It's not that she doesn't remember. She
9 has no recollection.

10 Q. But these are the same notes and same process for taking
11 these notes, and you believe them to be accurate at the time
12 you wrote them, is that right?

13 A. That's right.

14 Q. Could I ask you to read on page 12 from -- just read page
15 12.

16 A. OK. "A1 Business -- Monday, December 28, 2015 at 2:00. A1
17 Business Consultants fulfillment department. Samantha. Spoke
18 with her instead of Stephanie this time. They work together.
19 Corporate document, business plan, etc., includes my LLC,
20 business license to sign and send to state.

21 "Two packages were sent out to me with tracking
22 numbers, but it was sent to Kershaw, South Carolina. She will
23 track down it, reroute to me at my box in Shallotte."

24 Q. They messed up with the shipping?

25 A. It looks like it, yes.

IAU8KET2

Thompson - Cross

1 Q. Did you discuss that with Emily Miller afterwards?

2 A. I don't remember if I did or not. I may have. I can't
3 remember that off the top of my head.

4 Q. When things would happen with your businesses, did you
5 generally update Emily on them?

6 A. Jonathan Stewart and Emily.

7 Q. Then there came a time where you made another purchase with
8 Al, is that right, on December 29?

9 A. I think so.

10 Q. And that was more of these kind of add-on services, is that
11 right?

12 A. I think it was only adding on trying to get my taxes done.

13 Q. Isn't it the case on the 29th you did a contract for
14 YouTube and social media and SEO?

15 A. And taxes. Taxes.

16 Q. And that second contract, that wasn't with Jonathan, that
17 was with someone else at Al, right?

18 A. I discussed it with Jonathan.

19 Q. Do you remember if it was someone else that you talked to
20 at Al about that particular sale?

21 A. Not off the top of my head. I would have to confer with my
22 notes.

23 Q. Page 13.

24 A. OK.

25 Q. Isn't it right that you spoke with Connor on that day?

IAU8KET2

Thompson - Cross

1 A. Yes, it is.

2 Q. He gave you a different number, an 800 number to call,
3 right?

4 A. Yes, he did.

5 Q. And the things that you discussed were a Web site, right?

6 A. Without looking at my note there, I think that's what I
7 read, yes. But I got his number from Jonathan Stewart,
8 Connor's number.

9 Q. OK. Going back to Jonathan Stewart, the first time you met
10 him, he gave you a telephone number, right? The first time you
11 talked to him on the phone he gave you his cell phone number,
12 right?

13 A. Yes.

14 Q. And you testified yesterday that you texted with him a few
15 times and you called him, right?

16 A. Yes.

17 Q. You would call him on his cell phone, is that right?

18 A. I don't remember which lines I would call him on the most,
19 but I would call him on different lines.

20 Q. He gave you a 7774 number?

21 A. I would have to look back at that contact information. I
22 don't memorize numbers. I just pull them up on my phone and
23 have it. I'm not trying to be flippant. I don't even know any
24 family numbers.

25 Q. So after that second sale, you did not sign the contract

IAU8KET2

Thompson - Cross

1 immediately, isn't that right?

2 A. Which contract?

3 Q. The contract from 12/29 with A1.

4 A. I need for you to show me which contract you're referring
5 to. I only signed one contract ever, and that was the e-sign
6 contract.

7 Q. But before you signed it, you spoke with Emily about it,
8 right?

9 A. Yes.

10 Q. You wanted to make sure that it was the right thing to do
11 before you signed it, right?

12 A. Not just Emily, but yes. Emily wasn't my guide or my god
13 in this, if that's what you mean.

14 Q. But you spoke with her multiple times a day?

15 A. Sure I did.

16 Q. And you spoke with her about the contracts?

17 A. But I didn't do everything Emily told me to do.

18 Q. I am not asking if she told you. I am asking did you
19 consult with her before making that decision?

20 A. Yeah. I talked to her about it, yes. I think consulting
21 with her about it and talking to her about it are kind of two
22 different things.

23 Q. Could you explain the difference?

24 A. I think it's common sense. Consulting means getting all
25 her advice and taking it, sort of. And talking with her about

IAU8KET2

Thompson - Cross

1 it means hearing her out and making my own decision.

2 Q. I understand.

3 So talk to her about it is a better term.

4 A. But she is not the only one I talked with about it.

5 In other words, I also talked with Jonathan Stewart
6 about it, Connor Swanson, and these other people about it. She
7 wasn't the only one who influenced me is what I'm trying to
8 say.

9 Q. So do you remember on January 8 you were supposed to have a
10 call at 4 p.m.?

11 A. No, I don't remember that. My notes could refresh me
12 though.

13 Q. Can we look at page 16.

14 Does that refresh your recollection of that day?

15 A. It refreshes my recollection that when I see it I remember,
16 but I can't recall it without reading it to you, if that makes
17 sense.

18 Q. OK.

19 A. I don't remember it, but when I read it I can describe to
20 you what I meant by those notes.

21 Q. OK. So let's go -- can you read that page?

22 A. Yes. I don't think it will make sense to you unless I
23 explain it though.

24 At the top it says, "A1 - New Jersey check, 201."

25 Then to the right it says, "Delaware, arrow, First

IAU8KET2

Thompson - Cross

1 Trend not answer."

2 Then under there I have got an arrow from there "302."

3 Under there, "Friday, January 8. A1, Jonathan
4 Stewart. Ask about LLC, what girls should I work with?"

5 Under that, "Connor Swanson, 1-800-914-4135."

6 And then I have something marked out and 201 area
7 code.

8 Under there, "Michael Goldman, Emily Miller."

9 Then under that, "4 p.m. today fulfillment, no call
10 received?? Waited until after 5:30 p.m. Eastern."

11 May I explain?

12 Q. So fulfillment didn't call you that day, right?

13 A. They did not. And all the other stuff meant that, what's
14 going on? These area codes are from different places and I'm
15 saying something's not right here; people are calling from area
16 codes they are not supposed to be, at least that's what I
17 figured. I don't know all these area codes, but I'm finding
18 out -- I'm thinking something's not right.

19 Q. Did you talk to Emily about that?

20 A. I talked to Jonathan about that.

21 Q. Let me refer you to January 4th.

22 You had a conversation with someone named Mattie?

23 A. Who?

24 Q. Mattie, M-A-T-T-I-E.

25 A. I don't remember that.

IAU8KET2

Thompson - Cross

1 Q. I will show you page 14.

2 A. OK.

3 MS. KEARNEY: Your Honor, she testified she doesn't
4 remember it, not that she doesn't remember whether it happened.

5 THE COURT: I will allow it.

6 Take a look at page 14.

7 A. OK.

8 THE COURT: Next question.

9 Q. Who is Mattie?

10 A. I have no idea.

11 Q. You also mentioned Steve and Louis, is that right?

12 A. Did I?

13 MS. KEARNEY: He is reading from a document that's not
14 in evidence.

15 THE COURT: Exactly.

16 MR. HASSEN: I will move on.

17 Q. Moving forward to January 19th.

18 A. OK.

19 Q. You got a call from Mr. Goldman, is that right?

20 A. I'm not sure.

21 Q. I refer you to page 18.

22 THE COURT: Does that refresh your recollection on
23 whether or not you received a call from Mr. Goldman on January
24 19?

25 THE WITNESS: Yes.

IAU8KET2

Thompson - Cross

1 THE COURT: Next question.

2 Q. What was that phone call about with Mr. Goldman?

3 A. Off the top of my head, him wanting me to invest in a
4 terminal again.

5 Q. So he wanted you to invest more money, right?

6 A. Yeah. He wanted me to invest in a terminal, a merchant
7 terminal.

8 Q. He gave you a bunch of numbers again, right?

9 A. Correct.

10 Q. And he told you about how much money you can make if you
11 invested more money, right?

12 A. Yes.

13 Q. But you decided not to do that, right?

14 A. As far as I can remember. I'm a little confused with the
15 timelines now. Are we going backwards or forwards?

16 Q. We are on January 19th.

17 A. OK. Yeah. I know at that moment I was going for a
18 doctor's appointment, and they were calling me back when that
19 call was made and I told them I couldn't talk anymore right
20 then. So he called me back after I got out of there.

21 Q. And he made you some guarantees about how much money you
22 would make if you gave him more money, right?

23 A. He told me how much I could make.

24 Q. Did he guarantee that?

25 A. Michael Goldman?

IAU8KET2

Thompson - Cross

1 Q. Mr. Goldman.

2 A. He didn't guarantee anything about the amounts. He told
3 me -- yeah, he told me there were lower amounts and higher
4 amounts that could be made.

5 Q. But he guaranteed that you would make money, right?

6 A. What do you mean guaranteed? He didn't give me anything in
7 writing.

8 Q. In his words.

9 THE COURT: Did he say, I guarantee you are going to
10 make money, Ms. Thompson?

11 THE WITNESS: I can't remember if he used those words,
12 sir.

13 THE COURT: Next question.

14 Q. But when you wrote these notes, your recollection was
15 fresher, right?

16 A. Yes.

17 Q. And they would be accurate, right?

18 A. Yes.

19 Q. Could I ask you to read from Government Exhibit 165, page
20 18. You can skip that first paragraph.

21 THE COURT: What bullet point do you want?

22 MR. HASSEN: The second bullet point. "This would
23 be."

24 THE COURT: Read that paragraph. "This would be."

25 A. "This would be more guaranteed, very strict, depends on

IAU8KET2

Thompson - Cross

1 what you get approved for." Ants?

2 THE COURT: Is that amounts?

3 THE WITNESS: Amounts.

4 A. "Should have three merchant accounts, a chargeback."

5 Q. And the next one as well.

6 A. "You need collateral. 25,000 per account for collateral.

7 75,000. 100,000 to 250,000 for first three months.

8 Neutropseudo company. 1 million."

9 Q. And the last one.

10 A. "Michael charges high-risk owners 15 percent. 100,000."

11 Q. And the last one.

12 A. "Also talked with Emily multiple times."

13 Q. This was Michael Goldman, the original call, from Tri-Star,
14 right?

15 A. Yes.

16 Q. Ultimately you decided not to go with him, right?

17 A. Yes, in the beginning.

18 He didn't guarantee. He said more guaranteed.

19 Q. So you're not going to invest anymore with Goldman, but at
20 this time you decide to do more merchant processing with A1, is
21 that right?

22 A. I believe I did.

23 Q. And you have a conference call with Jonathan Stewart and
24 Emily Miller, right?

25 A. Yes, that's true.

IAU8KET2

Thompson - Cross

1 Q. And you decided to buy one merchant account, right?

2 A. Yes.

3 Q. And this was different than what you had done with A1
4 before, right?

5 A. I don't understand the question.

6 Q. You never bought merchant accounts, merchant processing
7 with A1 before January 19, is that right?

8 A. If that was the first one I bought, then I had not before.

9 Q. You were buying the merchant stuff with Tri-Star, KB, First
10 Trend, right?

11 A. I don't think so.

12 Q. With Mr. Goldman?

13 A. No.

14 Q. Are you saying you didn't buy merchant processing with
15 Mr. Goldman?

16 A. The first one I bought was with Jonathan and Emily. If I'm
17 not mistaken, I believe the first one I bought was with
18 Jonathan and Emily. And then I bought two more.

19 Q. Let me refer you to Government Exhibit 902A.

20 903A.

21 Isn't this the check you wrote to KB Consulting and
22 sent to First Trend on December 11?

23 A. It's a check that I wrote to KB Consulting on December 11.

24 Q. And you sent it to First Trend, care of Emily Miller?

25 THE COURT: Did you send it to First Trend, care of

IAU8KET2

Thompson - Cross

1 Emily Miller?

2 THE WITNESS: Sir, I don't remember it.

3 THE COURT: Next question.

4 Q. Let me also refer you to 902C.

5 THE COURT: Question.

6 Q. Was this the first check you sent to KB?

7 A. I don't remember.

8 Q. OK. Never mind. Withdrawn.

9 A. I'm quite sure it was not the first check I sent.

10 Q. But on December 11, you had not yet ever talked to Jonathan
11 Stewart or Al?

12 A. I don't know.

13 Q. Because you testified yesterday that the first call with
14 Jonathan Stewart -- do you remember testifying about your first
15 call with Jonathan Stewart yesterday?

16 A. I remember testifying when it was by checking with my
17 notes. Without looking through those I couldn't tell you.
18 That's why I kept notes.

19 THE COURT: Next question, please.

20 Q. Do you remember yesterday on your testimony you were asked:

21 "What date did you first speak with Jonathan Stewart?"

22 And you said, "Wednesday, December 16."

23 A. I said that after referring to my notes. I can't go by
24 what you're saying. I can only go by --

25 Q. Would it help if I showed you the transcript from

IAU8KET2

Thompson - Cross

1 yesterday?

2 A. No.

3 THE COURT: Next question.

4 Q. So going back to, we are now at January 19, you had a
5 conference call with Jonathan and Emily, right?

6 A. I'm not sure if that was the date, but I did have a
7 conference call at a point with Jonathan and Emily.

8 Q. Would it help you to remember that conversation to look at
9 your notes from that day?

10 A. Would it help to look at my notes? Sure.

11 MR. HASSEN: Can we show page 19 of GX 165.

12 THE COURT: Does that refresh your recollection with
13 regard to whether or not you had a conference call with
14 Jonathan and Emily on January 19, yes or no?

15 THE WITNESS: Yes, it does.

16 THE COURT: What is that refreshed recollection?

17 THE WITNESS: That it was on January 19 that I had a
18 conference call.

19 THE COURT: Next question.

20 Q. It was on that conference call that you decided to invest
21 in one more merchant terminal?

22 A. It was at that time that I decided to invest in a merchant
23 terminal, yes.

24 Q. But Mr. Goldman didn't stop calling you, isn't that right?

25 A. He did stop for a while, yes.

IAU8KET2

Thompson - Cross

1 Q. But the next day, on the 20th, he called you again, right?

2 A. Yes, he had just started back. He had stopped for a while.

3 Q. After you told him no he stopped, but then he started up
4 again?

5 A. Yes.

6 Q. Whose idea was it to have this call with the merchant
7 account with A1?

8 A. Whose idea?

9 Q. Do you remember?

10 A. Yeah. Jonathan Stewart and Emily Miller, they decided that
11 they wanted to do it and not have Michael involved. He was
12 having some personal issues.

13 Q. And you kept getting calls from Steve Blake during this
14 period, right?

15 A. Well, yes, because he was supposed to be getting the leads
16 for places to put the terminals.

17 Q. And he left you a voice mail on the 20th?

18 A. I don't remember.

19 Q. Would it help to look at the notes?

20 A. Of course.

21 MR. HASSEN: Can we refer the witness to page 20.

22 THE COURT: How much longer do you have with this
23 witness, sir?

24 MR. HASSEN: Homestretch here, but I'm guessing
25 another half hour.

IAU8KET2

Thompson - Cross

1 THE COURT: Pick it up and proceed.

2 MR. HASSEN: Around a half hour.

3 THE COURT: What is your question?

4 Q. Do you remember that voice mail from Mr. Blake?

5 Does that refresh your recollection of the voice mail
6 and the conversations you had on that day?

7 A. Only that I would get them from him quite a bit. Just
8 vaguely. I don't remember that specific one though.

9 Q. You don't remember that?

10 But these notes were accurate when you wrote them,
11 right?

12 A. Absolutely.

13 Q. Can I have you read page 20?

14 A. "1/20/16, 1:15 on Wednesday. Sent check and texted
15 confirmation of tracking number to Emily and to Jonathan.
16 Received update voice mail from Steve Blake and texted Emily
17 regarding this. He stated I had four confirmed and a fifth
18 business that just sent info in and that would make it five for
19 cash advances, and they had a sixth business lead, and as soon
20 as they get their info that could make six, but should be five
21 confirmed before he gives my next update on Wednesday.

22 "This is different from what Emily said yesterday.
23 She is going to check on this, but for now accurate info is
24 four confirmed and hope to get a check going out Friday or
25 Monday, but not for definite yet."

IAU8KET2

Thompson - Cross

1 Q. So there was some miscommunication between Steve and Emily,
2 is that right?

3 A. Yes.

4 Q. They were saying different things from each other?

5 A. Is that a question? Yeah.

6 Q. But you trusted Emily more than Steve, right, Steve Blake?

7 THE COURT: Did you trust Emily more than Steve?

8 THE WITNESS: Yes.

9 THE COURT: Next question.

10 Q. In the same period of time, you got another call from
11 Mr. Goldman about merchant accounts, right?

12 A. From who?

13 Q. Mr. Goldman.

14 A. I'm not sure.

15 Q. He explained something about five points and \$100,000?

16 A. I'd have to see my notes.

17 Q. I refer you to page 21.

18 A. You're asking if I got a call from him at that point? I'm
19 not sure if I did or not, or if I just wrote a note there. I
20 don't know if that was a telephone call. I don't have a time
21 or a date by that.

22 Q. What does 100,000 five points mean?

23 A. I have no idea.

24 MS. KEARNEY: Your Honor, again reading from a
25 document that is not in evidence.

IAU8KET2

Thompson - Cross

1 THE COURT: Next question.

2 Q. And you had yet another phone call on January 20th, isn't
3 that right?

4 A. I don't know.

5 Q. Let me refer you to page 22.

6 A. Yes, I did.

7 Q. And this was the first time you talked to Zach Peterson, is
8 that right?

9 A. That's correct.

10 Q. And they were trying to do more of these merchant
11 businesses, right?

12 MS. KEARNEY: Objection.

13 A. No.

14 MS. KEARNEY: Who is "they"?

15 THE COURT: Next question.

16 Overruled.

17 Q. Zach explained to you he wanted to have a new relationship
18 going forward, is that right?

19 A. That's correct.

20 Q. And around this same period of time, you took down an
21 e-mail address for Emily Miller, isn't that right?

22 A. I don't remember.

23 Q. Let me refer you to page 23.

24 THE COURT: Does that refresh your recollection in
25 regard to whether around the same period of time you took down

IAU8KET2

Thompson - Cross

1 an e-mail address for Emily Miller?

2 THE WITNESS: I don't remember it, but I see it on the
3 page.

4 THE COURT: Next question.

5 Q. So that doesn't refresh your recollection, but this was
6 accurate when you wrote it at the time, right?

7 A. Yes, it was.

8 Q. I will have you read the first two lines there on the left
9 side.

10 A. "Bcm67az@gmail.com, foreword."

11 Q. And above and below that, what names are there?

12 A. "Emily e-mail."

13 THE COURT: And below it.

14 A. "Carol Marcus."

15 THE COURT: Next question.

16 Q. You had a lot of questions that you wanted answered about
17 all these things, right, during this period of time?

18 A. I had a lot of questions all the time, yes.

19 Q. And you were maybe frustrated that you weren't getting
20 answers to all your questions, is that right?

21 A. Yes.

22 Q. And Goldman from Tri-Star was calling you on one hand, and
23 Al was calling you on another hand, both trying to get you to
24 buy more merchant business, right?

25 A. Mostly they were just calling and stalling about the money

IAU8KET2

Thompson - Cross

1 they were supposed to send me.

2 Q. Tri-Star, they were supposed to be sending you money, and
3 every few weeks they would say it's going to be another few
4 weeks, right?

5 A. I don't know if it was Tri-Star, but it was Jonathan
6 Stewart saying they had a check ready for me that was on his
7 desk, or it's coming to his desk and didn't get there. And
8 Emily said she was going to be checking with Jonathan and see
9 why it hadn't been sent. And Steve must be mixed up, he must
10 not have all the information up-to-date what he has, but she
11 would check on that.

12 I just wanted my taxes done. At that point I was just
13 stressed about getting that done. And Jonathan kept promising
14 me that they'd have the CPA call me. But mostly they just kept
15 changing the subject and stalling.

16 Q. You just mentioned that Jonathan told you you were to get a
17 check. What agreement would that have been for?

18 A. For the money that I had invested for the merchant
19 terminals.

20 Q. But you hadn't yet invested with the merchant terminals up
21 to this point, right? You had just started with --

22 A. I had invested for the first one. When I had the
23 conference call with me, Jonathan and Emily, that's where I
24 paid the money for the first one with them.

25 Q. That was the date --

IAU8KET2

Thompson - Cross

1 A. That was before I did the partnership with Zach. If you
2 read back, you'll see.

3 Q. Is it your understanding that the merchant terminal that
4 you purchased on December 11 was from Jonathan Stewart?

5 A. It's not my understanding; that was what I was told. I
6 know it wasn't real now, but that's what it was.

7 Q. But it was what you were told on the 11th before you had
8 ever talked to Jonathan Stewart?

9 A. No. When I talked to Jonathan Stewart, we had a conference
10 call. Me, Jonathan Stewart and Emily, we were all three on the
11 phone together. And he wanted me to buy three merchant
12 terminals, but I only bought one, and that was with a
13 partnership with him.

14 Q. On the 11th?

15 A. I don't know the date. You can look it up on whatever that
16 conference call -- I can't look at my notes, I'm not allowed
17 to, but whatever that date was that the three of us had that
18 call, the check that I sent for that call was for the terminal
19 to have with him, Jonathan Stewart, or I don't know his name,
20 the guy sitting there in the tan shirt.

21 Q. So on the 19th, January 19, was the first conversation you
22 had with Jonathan Stewart about merchant terminals?

23 MS. KEARNEY: Objection.

24 THE COURT: Sustained.

25 A. I told you I don't know the date.

IAU8KET2

Thompson - Cross

1 THE COURT: There is no question pending.

2 MR. HASSEN: One moment, your Honor.

3 Q. So let me refer you to January 27th. Would it help to look
4 at your notes?

5 MS. KEARNEY: Your Honor, there has not been a
6 question yet.

7 THE COURT: Sustained.

8 Just ask a question.

9 Q. Do you remember conversations on January 27?

10 A. I do not. No, sir, I do not. It's been quite a time ago.

11 Q. No problem. I refer you to page 25.

12 THE COURT: Take a look at what is up on the screen
13 and just say whether that refreshes your recollection in regard
14 to whether or not you had conversations on January 27, 2016,
15 yes or no?

16 A. No, it does not.

17 THE COURT: Next question.

18 Q. But these were accurate when you wrote them, right?

19 A. Yes.

20 Q. Let me have you read page 25, the top part, on the right.

21 A. "Wednesday, January 27, 2016, 11:30. Received call from
22 Martin, from first USA Business Development, 813-603-4293.
23 Wants to talk to me about what they can do to help me with my
24 business, referred by First Trend, and to go over a progress
25 report.

IAU8KET2

Thompson - Cross

1 "12:30 received call from Steve Blake at First Trend,
2 spoke with him. Stated eight businesses in processing, one is
3 a 50/50 shot. Asked him when I might see a check. He stated,
4 'No way to know, maybe a week, maybe two weeks.' The
5 accounting department will call when they have a check ready
6 and they will ask how I want to get paid."

7 (Continued on next page)

IAUJKET3

Thompson - cross

1 Q. So this is again you're getting calls from all kinds of
2 companies trying to sell you more of these merchant accounts,
3 right?

4 A. No.

5 Q. Who is Martin from First USA Business Development?

6 A. I don't think I had any idea at the time. That is why I
7 wrote it down. I didn't know if they were involved with these
8 people or not.

9 They said they were referred by that First Trend, but
10 I don't know if they were or if they weren't. I just jotted it
11 down. As far as I know, off the top of my head, I didn't ever
12 do anything with them. They wanted to, as I read this, they
13 wanted to talk to me about what they could do to help me with
14 my business.

15 Everybody wanted to help me with my business. They
16 wanted to sell me more and more and more. I didn't want to buy
17 any more. I wanted to get money from what I had in merchant
18 accounts, and Jonathan said I didn't need to do anything. I
19 just had it already done.

20 I needed the money. I didn't want more money. I
21 didn't want to get rich. I wanted to make the salary I was
22 making. I wanted to do it where I could spend time with my
23 family.

24 Q. You had a conversation -- there came a point where you
25 talked with Jonathan Stewart and Mr. Peterson, where he

IAUJKET3

Thompson - cross

1 elaborated on that earlier, Mr. Peterson elaborated on that
2 earlier conversation you had. Isn't that right?

3 A. No, I don't think so.

4 Q. Do you remember --

5 (Multiple voices)

6 Q. -- February 3 with Mr. Peterson?

7 A. I am not sure. I'd have to check the date.

8 Q. I refer you to Page 31.

9 A. Yes, that was my first conversation with Mr. Peterson.

10 Q. Excuse me. Do you remember that conversation?

11 A. Yes, I do.

12 Q. In this conversation, this was a conference call with
13 Peterson, Stewart and Emily Miller, right?

14 A. Yes.

15 Q. And Peterson made you an offer?

16 A. Yes.

17 Q. He was going to sell you part of his business. Is that
18 right?

19 A. Yes.

20 Q. And at that time did you know how much money he was making
21 at his business?

22 A. No.

23 Q. Did he tell you?

24 A. No. He gave me an idea of how much that would be I would
25 make from that.

IAUJKET3

Thompson - cross

1 Q. Did he say how much he was making?

2 A. No.

3 Q. Did he say how much you would get? Do you remember?

4 A. He gave me an idea. I don't remember the exact figures,
5 though.

6 Q. You were going to buy 20 percent of his company. Is that
7 right?

8 A. Yes.

9 Q. He gave you a contract that didn't include that 20 percent,
10 right?

11 A. Yes. Sometime later he mailed that contract.

12 Q. And then he gave you one with it, right?

13 A. Sort of, you can say that. Mostly it said that when they
14 went under, that I would go under with them. So it was really
15 a joke.

16 Q. But he led you to believe that that company was making
17 money?

18 A. Not in the contract.

19 Q. No. On the phone call?

20 A. Oh, yes, ah-huh, yes, he did.

21 Q. Let me refer you to -- do you remember having, sketching
22 out some of the financials for what that deal might look like?

23 Do you remember doing that in your notebook?

24 A. Do I remember, yes.

25 Q. May I refer you to --

IAUJKET3

Thompson - cross

1 MS. KEARNEY: Your Honor, she testified she remembers.

2 Q. -- what kind of revenue do you think you would be seeing
3 from that A1 deal?

4 A. I would be getting 20 percent -- I mean, yeah, 20 percent
5 of the revenue that they had coming in every month.

6 Q. Did you ever go through any numbers of what that actually
7 looked like in terms of his actual revenue?

8 A. They gave me an idea, and I think I wrote it down, but I
9 don't remember that off the top of my head.

10 Q. Would it help to look at your notes?

11 A. Sure.

12 Q. May I refer you to Government Exhibit 164, Page 3.

13 A. (Pause)

14 Q. Does that --

15 A. That has nothing to do with it.

16 Q. It has nothing to do with?

17 A. With what you're asking me.

18 Q. If I refer you to the top right side, top-left side of that
19 page, you have some figures there.

20 MS. KEARNEY: Objection, your Honor.

21 THE COURT: Yes, sustained. In other words, did you
22 ever go through any numbers on what that actually would look
23 like in terms of the actual revenue? Looking at that did not
24 refresh your recollection. She said that has nothing to do
25 with it. Move on.

IAUJKET3

Thompson - cross

1 (Off-the-record discussion)

2 BY MR. ABEGAZ-HASSEN:

3 Q. So you'd spoken with Zack one time prior to the time where
4 he tried to convince you to invest in his business, right?

5 A. Correct.

6 Q. Do you remember the date that that conversation happened?

7 A. You said it a couple of times and had me refer to it, but
8 now I can't remember. I am guessing. I have no idea,
9 actually.

10 Q. On the 20th, you had a conversation with Zack?

11 A. That's right.

12 THE COURT: No. He can't tell you things. He can
13 only ask you things.

14 THE WITNESS: I don't know. I don't remember.

15 BY MR. ABEGAZ-HASSEN:

16 Q. Would you go back quickly to Page 22 of 165.

17 A. (Pause) Yes, January the 20th.

18 Q. Zack Peterson told you he was an attorney. Is that right?

19 THE COURT: Did Zack Peterson tell you he was an
20 attorney?

21 THE WITNESS: Yes, he did tell me he was an attorney.

22 THE COURT: All right.

23 MR. ABEGAZ-HASSEN: One moment. (Pause)

24 Your Honor, if we can take our break now, I can wrap
25 up in 10 minutes.

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Thompson - cross

1 THE COURT: I would like to conclude this before the
2 break.

3 MR. ABEGAZ-HASSEN: All right.

4 THE COURT: And, in fact, any redirect before the
5 break.

6 MR. ABEGAZ-HASSEN: All right. I'll keep going.

7 BY MR. ABEGAZ-HASSEN:

8 Q. All right. So you'd invested with A1 and then you decided
9 to join?

10 A. Yes, I did.

11 Q. Join with them?

12 A. Yes.

13 Q. Do you remember on February 3rd, you got a long voice-mail
14 from Steve Blake?

15 A. I don't remember, no.

16 Q. May I refer you to Page 30.

17 A. Do you want me to read it to myself?

18 Q. Does that refresh your recollection of that voice-mail that
19 you got?

20 A. (Pause) It does vaguely. I remember after reading it, but
21 I wouldn't remember --

22 Q. What was Steve Blake telling you?

23 A. I'd have to read it back. It is too long. He was telling
24 me a bunch of more junk about this and that and just a lot of
25 made-up stuff why I wasn't getting any money.

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Thompson - cross

1 Q. And you reported that to --

2 A. Well, it says I reported it to Emily, yeah. I also was
3 calling Jonathan with these problems, too, though.

4 Q. You didn't stop getting calls from all these companies, did
5 you?

6 A. I didn't answer any calls from all these other companies
7 that were calling. Is that what we're talking about?

8 Q. You were getting a lot of calls is what I am asking you?

9 A. I would get 20 or 40 or more calls a day. I just didn't
10 answer them from other people, other companies, I am assuming.
11 I just didn't answer them unless I knew it was from Jonathan or
12 Emily or one of these people that were supposed to be calling
13 me.

14 Q. There came a time where you stoped talking to everybody
15 except Emily, right?

16 A. No. I was still trying to talk to Jonathan for a long
17 time. I called him, I called him, I called him, but he stopped
18 talking to me.

19 He was praying for me. I thought he was going to be
20 my friend.

21 Q. Do you remember?

22 A. I thought he was a good guy.

23 Q. Let me ask the questions, please. Thank you.

24 Do you remember a conversation that you had a couple
25 of days ago where you told the government that a woman kept

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Thompson - cross

1 calling you about her husband?

2 MS. KEARNEY: Objection.

3 THE COURT: Just a moment.

4 MR. ABEGAZ-HASSEN: Withdrawn.

5 THE COURT: All right.

6 BY MR. ABEGAZ-HASSEN:

7 Q. Do you remember a woman who kept calling you about debt
8 consolidation or debt relief?

9 A. I've had a lot of people call me about debt and debt
10 consolidation. I can't tell you how many companies have called
11 me over the years for debt relief and debt consolidation. In
12 fact, I have probably got a few this week.

13 Q. You mentioned some of those when you were talking with the
14 government, right?

15 MS. KEARNEY: Objection.

16 THE COURT: Basis?

17 MS. KEARNEY: It is hearsay.

18 THE COURT: Sustained.

19 BY MR. ABEGAZ-HASSEN:

20 Q. Did you ever get a call from someone named Lisa Corro?

21 A. I don't remember that name.

22 Q. Now, you told us here today about how many times -- one
23 moment.

24 (Off-the-record discussion)

25 BY MR. ABEGAZ-HASSEN:

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Thompson - cross

1 Q. Just back to this document that is in front of you, just to
2 be clear, when it says you reported calls to Emily, it doesn't
3 say reported calls to Jonathan, right?

4 THE COURT: Sustained. The government is rising to
5 object.

6 (Off-the-record discussion)

7 BY MR. ABEGAZ-HASSEN:

8 Q. You wrote down you reported calls to Emily --

9 MS. KEARNEY: Objection.

10 THE COURT: Just a minute.

11 Q. You reported calls to Emily?

12 THE COURT: I will allow that. Did you write down you
13 reported calls to Emily?

14 THE WITNESS: I reported calls to Emily.

15 THE COURT: Did you also report calls to Jonathan?

16 THE WITNESS: I also reported calls to Jonathan.

17 THE COURT: Did you write down you reported calls to
18 Jonathan?

19 THE WITNESS: No, sir, but there were lots of things.

20 THE COURT: No is no. Next.

21 BY MR. ABEGAZ-HASSEN:

22 Q. Isn't it true, do you remember talking to the government,
23 and do you remember having interviews with the government
24 months and months ago?

25 A. Months, yes, I talked to them several times to prepare for

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Thompson - cross

1 this, yes.

2 Q. When you were preparing with them, you told them how many
3 times you had spoken with Jonathan, right?

4 A. I told them I had spoken to him multiple times.

5 Q. Didn't you tell them that -- would it help -- didn't you
6 tell them that you --

7 MS. KEARNEY: Objection.

8 Q. -- with him five or six times in your early interview?

9 MS. KEARNEY: Objection.

10 THE COURT: I'll allow that. Did you tell them you
11 spoke to Jonathan five or six times?

12 THE WITNESS: No. Maybe five or six times on some
13 days, but I spoke to him many, many, many times, more than
14 that.

15 (Off-the-record discussion)

16 BY MR. ABEGAZ-HASSEN:

17 Q. Isn't it a fact --

18 A. I don't think he would pray for me if I was speaking to him
19 only five or six times.

20 Q. -- isn't it a fact that you told the government you spoke
21 with Emily multiple times a day, but in the same --

22 MS. KEARNEY: Objection.

23 Q. -- in the same interview you told them you spoke with
24 Jonathan Stewart five or six times, maybe more?

25 THE COURT: Sustained.

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Thompson - cross

1 A. No.

2 THE COURT: The jury will disregard the answer.

3 THE COURT: Wrap it up, please.

4 BY MR. ABEGAZ-HASSEN:

5 Q. Did you tell the government that?

6 A. No, I did not.

7 MR. ABEGAZ-HASSEN: One moment.

8 (Off-the-record discussion)

9 BY MR. ABEGAZ-HASSEN:

10 Q. About a month ago, September 18th?

11 A. What year are we talking about? 2016 now?

12 Q. This year, did you meet with the government?

13 A. I don't know the dates, but --

14 Q. On September 18th did you meet with -- was Detective Bastos
15 and AUSA Fletcher here? Do you remember talking to them before
16 meeting with them?

17 MS. KEARNEY: Objection.

18 THE COURT: I'll allow that.

19 A. I don't remember the dates.

20 THE COURT: If you don't know, you don't know. Next.

21 (Off-the-record discussion)

22 BY MR. ABEGAZ-HASSEN:

23 Q. Just around that time do you remember having --

24 A. Yes.

25 Q. -- a conversation?

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Thompson - redirect

1 A. Yes.

2 Q. Do you remember the subject matter of that conversation?

3 A. Yes.

4 Q. Did you tell them on that date that you spoke to Jonathan
5 Stewart five or six times a day?

6 MS. KEARNEY: Objection.

7 A. No.

8 THE COURT: Sustained. Anything else, sir?

9 MR. ABEGAZ-HASSEN: No further questions.

10 THE COURT: Is there any redirect by the government?

11 MS. KEARNEY: Yes, your Honor.

12 THE COURT: How long?

13 MS. KEARNEY: I don't want to hazard a guess. I may
14 have a better idea in a few minutes.

15 THE COURT: All right.

16 REDIRECT EXAMINATION

17 BY MS. KEARNEY:

18 Q. Ms. Thompson, we've discussed Government Exhibit 165 a lot.
19 What is Government Exhibit 165?

20 A. My notes.

21 Q. What kind of notes?

22 A. Lots of notes that I took during this time.

23 Q. Could you describe --

24 A. During that time.

25 Q. -- the process of taking them?

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Thompson - redirect

1 A. Like I said, I would just keep notes. I would write down
2 the date and the time that I was -- when I say meeting with, on
3 the phone with someone and the subject matter we were going to
4 speak about or that we spoke about, and I wouldn't write down
5 everything that we talked about, yeah, small talk or anything,
6 but just what I call the bullet points of what the conversation
7 was we were discussing.

8 Q. When you were doing that, were you trying to do that --

9 A. Absolutely.

10 Q. You were doing that at or near the time that this meeting
11 that you called was taking place?

12 A. Yes.

13 MS. KEARNEY: Your Honor, pursuant to Rules 801
14 (d)(1)(B) and 106, the government offers Pages 1 through 37 of
15 Government Exhibit 165, which are Ms. Thompson's notes from
16 December 2015 through April 6, 2016.

17 MR. ABEGAZ-HASSEN: Objection, your Honor. May we
18 approach?

19 THE COURT: First let me find the rules. (Pause)
20 Sidebar quickly.

21 (Continued on next page)

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Thompson - redirect

1 (At sidebar)

2 THE COURT: A statement under 801 (d), a statement
3 that meets the following conditions is not hearsay:

4 2. Is consistent with the declarant's testimony and
5 is offered, and what are you offering it under?

6 MS. KEARNEY: First to rebut the implied charge of the
7 thrust of Mr. Abegaz-Hassen's cross-examination that the
8 defendant has recently fabricated.

9 THE COURT: You mean the witness?

10 MS. KEARNEY: Yes, the witness has recently fabricated
11 or acted with improper influence and also rehabilitate her
12 credibility as a witness.

13 The thrust of Mr. Abegaz-Hassen's cross-examination
14 has been to suggest that Ms. Thompson is confusing
15 representations that were made to her by Jonathan Stewart with
16 representations that were made to her by other individuals. He
17 has had her read from a significant amount of those notes
18 verbatim into the transcript, under 801 and also 106, and it is
19 not proper to offer the entire notes.

20 MR. SCHMIDT: If I may. There is a difference between
21 failure of recollection and recent fabrication. There is no
22 issue of recent fabrication here.

23 THE COURT: All right. Just a moment. Just a moment.

24 Is consistent with the declarant's testimony and is
25 offered to rebut an express or implied charge that the

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Thompson - redirect

1 declarant -- you say it is not fabrication -- acted from a
2 recent improper influence or motive in so testifying. That is
3 not an issue here?

4 MS. KEARNEY: It is in that Mr. Abegaz-Hassen, in
5 questioning Ms. Thompson about fabricating how many times she
6 spoke to Jonathan Stewart, differences between what she
7 allegedly said to the government and what she testified to
8 today.

9 MR. SCHMIDT: Judge, it is in the 3500 material that
10 she said --

11 THE COURT: All right. I am denying the request to
12 put in all of the notes. Let's move forward.

13 MS. KEARNEY: Your Honor, then I am going to question
14 the witness significantly about the various notations she made
15 regarding her conversations with Jonathan Stewart.

16 MR. SCHMIDT: That is hearsay. It is not a proper
17 basis of putting in those conversations with Jonathan Stewart.
18 There is no basis to put in that hearsay.

19 MS. KEARNEY: Mr. Abegaz-Hassen has laid the
20 foundation for past recollection recorded. I have laid the
21 foundation for past recollection recorded.

22 THE COURT: Just a moment. What do you intend to do?
23 It seems to me that --

24 MS. KEARNEY: Mr. Abegaz-Hassen has walked through
25 specific conversations Ms. Thompson had with individuals other

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Thompson - redirect

1 than Jonathan Stewart and representations made to her during
2 those conversations.

3 THE COURT: Yes.

4 MS. KEARNEY: I would like to ask her about specific
5 representations Jonathan Stewart made to her.

6 THE COURT: You can do that. I don't see any problem
7 with doing that.

8 MR. SCHMIDT: Your Honor --

9 THE COURT: I don't see any problem with what did
10 Stewart say to you.

11 MS. KEARNEY: On particular dates and particular
12 times.

13 MR. SCHMIDT: One, they can't be leading just because
14 it is redirect, admonition. I have no problem with that.

15 THE COURT: Thank you.

16 MR. SCHMIDT: Second, that she has the absolute right
17 on redirect examination to go into things that we went into on
18 cross-examination, but not the things that we did not go into
19 on cross-examination.

20 THE COURT: But you went into it on cross. On
21 redirect, she can go into the subject matters of the cross.

22 THE COURT: And that is what she is doing. He has
23 been asking her about conversation with with Stewart.

24 MR. SCHMIDT: I don't think we are disagreeing.

25 THE COURT: You can do that, and it is up to you, but

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Thompson - redirect

1 I am not quite sure it is worth a significant amount of time.

2 I think the jury understands the witness.

3 MS. KEARNEY: That is why it would be more efficient
4 to offer the notes, your Honor.

5 THE COURT: I am not going to allow that wholesale.

6 MS. KEARNEY: All right.

7 (Continued on next page)

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IAUJKET3

Thompson - redirect

(In open court)

BY MS. KEARNEY:

Q. Ms. Thompson, on cross-examination Mr. Abegaz-Hassen asked you about Emily telling you she was in Nevada. Do you remember that?

A. I do.

Q. Where did you send the check to First Trend, that \$50,000 check, what state?

A. I believe it was sent to Nevada.

Q. Do you remember the address you sent it to?

A. I don't remember.

Q. Could you please take a look at Government Exhibit 165, Page 6. Did you write down an address to send that check to?

A. I did.

Q. Could you read that address, please.

THE COURT: Does looking at Page 6 refresh your recollection with regard to what state you sent that first check to?

THE WITNESS: Yes, it does.

THE COURT: What is your refreshed recollection, what state?

THE WITNESS: Arizona.

THE COURT: Next question.

MS. KEARNEY: Thank your Honor.

BY MS. KEARNEY:

IAUJKET3

Thompson - redirect

1 Q. Mr. Abegaz-Hassen also asked you about your conversations
2 with Zack Peterson regarding your partnership?

3 A. Yes.

4 Q. I believe we established that that took place on January
5 20th, 2016?

6 A. I believe so, yes.

7 Q. Do you remember who was on the call at that time?

8 A. Yes, I do. Do you want me to name them?

9 Q. Yes, please.

10 A. Myself, Zack Peterson, Jonathan Stewart and Emily Miller.

11 Q. Mr. Abegaz-Hassen also asked you about another call on
12 February the 3rd that you had. Do you remember that?

13 A. I don't remember exactly.

14 Q. But you know the call I'm referring to?

15 A. I think you're referring to the three of us. I am not
16 sure, actually, honestly.

17 Q. Do you remember a call on February 3rd?

18 A. I don't know which one you're talking about. I am confused
19 about all the dates. I am sorry.

20 Q. Could I direct your attention to Government Exhibit 165,
21 Page 31.

22 A. Okay.

23 Q. Does that refresh your recollection about whether you had a
24 call on February 3rd?

25 A. Yes, it does.

IAUJKET3

Thompson - redirect

1 Q. What time did that call take place?

2 A. At 4:00 pm.

3 Q. Who was that call with?

4 A. With Jonathan Stewart.

5 Q. Now, on that call did Mr. Stewart make any specific
6 representations to you about how frequently you would receive
7 checks or how much those checks would be?

8 THE COURT: Don't refer to your notes. Do you have a
9 recollection?

10 THE WITNESS: He did, and that is, I do have a
11 recollection about the times. That is where I mean the amounts
12 and how frequent it would be and that is where that came in.

13 I can't recall the exact amounts in those things, but
14 they're like three different times I would get checks for
15 different amounts, and some had to do with the revenue coming
16 from the company, I believe, and some had to do with the
17 revenue coming from the terminals that he and I invested in,
18 but I would have to read it to tell you exactly.

19 Q. You don't remember the specific amount that Jonathan
20 Stewart told you?

21 A. No, I do not.

22 Q. Is that reflected in your notes?

23 A. Yes, it is.

24 Q. Could you please read starting at the top of the left-hand
25 side of Page 31.

IAUJKET3

Thompson - recross

1 A. Yes.

2 Q. Would you start above that.

3 A. Wednesday, February 3rd, Jonathan Stewart, 4:00 pm.
4 Terminals, three contracts, \$149,999.00 payable to A1 Business
5 Consultants. Final investments in limbo. Discuss Mr.
6 Peterson's offer to take me on as a partner in A1 with a 20
7 percent stake in the company for 300,000, and Mr. Peterson
8 would match my funding one-to-one, I would pay 149,999 and he
9 would pay the other half.

10 I would receive a check from A1 every month for 20
11 percent of their residual and what they made. I would receive
12 three separate checks, one for each contract, for terminal
13 accounts every two weeks. These should eventually grow and
14 plateau at around 6 to 7,000 each.

15 MS. KEARNEY: No further questions.

16 THE COURT: All right. Thank you.

17 MR. SCHMIDT: Your Honor, may we?

18 THE COURT: Yes.

19 (Off-the-record discussion)

20 RECROSS EXAMINATION

21 BY MR. ABEGAZ-HASSEN:

22 Q. One more question. On that same page, on February 3rd on
23 Page 31 that you just read --

24 THE COURT: Just ask a question. Don't worry about
25 your notes right now. Just ask a question.

IAUJKET3

Thompson - recross

1 Q. -- doesn't what you just read indicate that it was Zack
2 Peterson that you talked to about --

3 A. No, it does not. It indicates I talked with Jonathan
4 Stewart. If you look at the top of the page, I put the date,
5 who I talked to and the time.

6 Q. But doesn't it indicate --

7 A. No. It indicates I talked with Jonathan Stewart.

8 Q. Let me ask the question.

9 Doesn't it indicate that it was Zack Peterson who made
10 that offer to you?

11 A. It indicates that --

12 THE WITNESS: May I answer the question, sir?

13 THE COURT: Yes, of course.

14 THE WITNESS: It indicates that Jonathan Stewart was
15 explaining the offer in full to me of what Zack Peterson was
16 offering and how I would get revenue from him and from their
17 company.

18 MR. ABEGAZ-HASSEN: Thank you.

19 THE COURT: Thank you. Sir, anything? You may step
20 down. You are excused, Ms. Thompson.

21 (Witness excused)

22 THE COURT: Ladies and gentlemen, it is noon. Why
23 don't we take our 15-minute break. Thank you.

24 (Jury excused)

25 (Recess)

IAUJKET3

1 THE COURT: Bring the jury in. Has the government
2 teed-up the deposition?

3 MS. KEARNEY: We also have copies of the transcript
4 for the jury as an aid.

5 THE COURT: All right. What are you calling the
6 transcripts? Do you have a number on them?

7 MS. KEARNEY: They are 116 A through J.

8 THE COURT: Why A through J?

9 MS. KEARNEY: Because when we cut the extraneous
10 cropping, we made -- we'll just play them all in a row.

11 THE COURT: All right.

12 MR. PAUL: Do you have copies for us?

13 (Off-the-record discussion)

14 THE COURT: So I am going to let the government call
15 the witness. That is how we'll do it.

16 MR. SCHMIDT: Just for the record, we seem to have
17 reached a stipulation as to Blake Foster, and we are going to
18 be preparing it at the -- the government will prepare it at the
19 end of the day and we should have it tomorrow morning.

20 THE COURT: All right. Well, perhaps the government
21 will have rested by then.

22 MS. FLETCHER: Just discussing some scheduling issues,
23 we may want to make your Honor aware of where we are in terms
24 of timing at the beginning of the lunch break, but the jury is
25 about to come in.

IAUJKET3

1 THE COURT: Yes.

2 MS. KEARNEY: Since we are calling a witness, would
3 you like me to stand at the podium?

4 THE COURT: Wherever you want.

5 MS. KEARNEY: Since I am not actually doing anything
6 live.

7 THE COURT: Whatever you want.

8 MS. KEARNEY: Okay.

9 (Pause)

10 THE COURT: Jury entering.

11 (Jury present)

12 THE COURT: Please be seated in the courtroom.

13 Government, call your next witness.

14 MS. KEARNEY: The government calls Charlene Foster.

15 THE COURT: Proceed.

16 MS. KEARNEY: In connection with that, your Honor, the
17 government offers Government Exhibits 116 A through J as a
18 corresponding transcript as aids to the jury.

19 (Government's Exhibits 116 A through J received in
20 evidence)

21 (Continued on next page)

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IAU8KET4

1 MR. SCHMIDT: If I may, other than the objections that
2 were made previously, we have no other objections.

3 THE COURT: All right. Thank you.

4 MR. PAUL: No objection.

5 THE COURT: Ladies and gentlemen, you are going to
6 hear the testimony of this witness by deposition. She is not
7 going to be live. The government is going to show you her
8 deposition, for which the attorneys for the parties were all
9 present and had an opportunity to examine and cross-examine Ms.
10 Foster.

11 MS. KEARNEY: With that, your Honor, I ask that we be
12 permitted to publish the transcript as an aid to the jury.

13 THE COURT: And the tapes are being admitted as
14 evidence.

15 Just as before, the parties have prepared transcripts
16 of what is on the tape to help you. So the 116T series are the
17 transcripts. Those are just aids. They are not evidence. If
18 you think you hear something on the tape that's different from
19 what is on the transcript, it's the tape that is the evidence.

20 MS. KEARNEY: To be clear, your Honor, the letters
21 proceed in order. So A, comes before B, comes before C.

22 THE COURT: That's just to help you if you didn't know
23 A came before B.

24 Pass out the transcripts.

25 Let's proceed, government.

IAU8KET4

1 MS. KEARNEY: Ms. Lee, could you please publish to the
2 jury Government Exhibit 116A, and then proceed to play them in
3 order.

4 (Videotape played)

5 (Continued on next page)

IAUJKET5

1 (Videotape played)

2 MS. KEARNEY: Your Honor, that concludes Government
3 Exhibit 116 A.

4 THE COURT: All right. Sidebar.

5 (At sidebar)

6 THE COURT: In regard to the two prior inconsistent
7 statements with this witness, I am going to allow the first
8 allegedly inconsistent statement to come in under 613 (b), but
9 I'm not going to allow the second inconsistent statement to
10 come in. I don't find that the justice so requires it.

11 In looking at the factors in Weinstein, the
12 significance of the issue with which the statement reads is not
13 a major issue here and the probative value of the statement for
14 impeachment purposes is also low. So I don't find that justice
15 requires the prior inconsistent statement on the second one.
16 Again the first one comes in; the second one does not.

17 MS. KEARNEY: The first one is did the taxes versus
18 trying to do the taxes or would do the taxes.

19 THE COURT: The first one is did you tell Blake that
20 they tried to do your tax filings for you? No, I never told
21 him that. And the prior inconsistent statement is on the 3500
22 material Charlene told Blake they tried to do her tax filings.

23 MR. PAUL: What was the second one?

24 THE COURT: The second one is the initiation of the
25 dispute with discovery. That is the one I am not allowing in.

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Where do we go from here?

MR. SOBELMAN: Our next witness is Jo Ann La Morte.

She should be 30 to 40 minutes on direct examination. If your Honor wants to do the first 10 minutes, we could --

THE COURT: No. Everybody is starving. I am about to eat my sleeve, so it is 10 to 2:00. We'll do it at 3:00 o'clock. And then the next witness?

MR. SOBELMAN: After that, we have Ms. Casanova, who is the forensic accountant.

THE COURT: How long will Casanova be?

MS. FLETCHER: 30 minutes, maybe 40.

THE COURT: And Thomas?

MR. SOBELMAN: 15 minutes, 20 manipulates.

THE COURT: That will be the end of the day by then and we'll look at the situation at that time. I will excuse the jury now.

(Continued on next page)

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1 (In open court)

2 THE COURT: Ladies and gentlemen, it is 10 to 2:00.

3 Before we put another witness on, let me give that lunch break
4 and come back at 3:00 o'clock. Thank you. Enjoy your lunch.
5 Keep an open mind. The evidence is coming in and we will have
6 other witnesses this afternoon. The government will take those
7 transcripts. Leave them there and the government will pick
8 them up.

9 (Jury excused)

10 THE COURT: I will see everyone at 3:00 o'clock.

11 MS. FLETCHER: I don't want to make your Honor eat
12 your sleeve, but there are some scheduling issues.

13 THE COURT: My sleeve will wait. Just a moment.

14 (Pause) Go ahead.

15 MS. FLETCHER: In addition to the witnesses that we
16 just --

17 THE COURT: La Morte, Casanova and Thomas?

18 MS. FLETCHER: Yes, Bolus is Thomas' last name. We
19 will also call one of the paralegals on our team to
20 authenticate a couple of Instagram posts, and then we expect to
21 call David Kandar, who is the son of a victim, and we
22 anticipate that direct testimony will be 45 minutes. The
23 paralegal's testimony will be 15 minutes maybe. Then the
24 government anticipates that we will rest, which depending on
25 the length of any cross-examination, it appears will be early

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1 in the day tomorrow.

2 THE COURT: How do you see that if we have three to
3 five that probably will be La Morte and Casanova. That works
4 out Bolus will be sometime in the mid to late morning?

5 MS. FLETCHER: I expect that will happen, your Honor.

6 As we previewed yesterday, this is a result of us
7 significantly trimming back our case. There were two
8 additional potential cooperating witnesses on our witness list
9 we advised counsel this morning after Ms. Thompson concluded we
10 no longer intended to call.

11 THE COURT: All right. Thank you.

12 At this point, Mr. Schmidt, do you have a case?

13 MR. SCHMIDT: Yes, we do, your Honor, and the case is
14 revolving mostly around Mr. Owimrin's testimony. The problem
15 that we now have is that because of the significance of the two
16 witnesses that the government is now not calling, we have spent
17 so much of our time trying to deal with those witnesses, the
18 documents related to them and all of that matters, that we do
19 not have our documents in any kind of sense for the defense
20 case. So we need at least a half a day to, besides tonight, to
21 get everything in order so we can actually present a rational,
22 reasonable presentation for the defense.

23 THE COURT: You have tonight. What else?

24 MR. SCHMIDT: Your Honor, it is going to delay things
25 so much. We are trying to get the documents and the things

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1 that we need together to have a decent flowing case. The
2 government has overwhelmed us with new material, with the
3 number of witnesses that they were going to call, and we had --

4 THE COURT: When did you tell the defense the
5 witnesses you were not going to call?

6 MS. FLETCHER: We let them know yesterday in court
7 that we were working to cut witnesses and that we would tell
8 them as soon as we knew. Candidly, the decision not to call
9 Brooke Marcus and the decision not to call Michael Finocchiaro
10 is a result of Ms. Thompson's testimony. Ms. Thompson's
11 testimony made it clear to the government we didn't need either
12 of those witnesses. Once her testimony concluded, we made
13 clear that we were not going to call those two witnesses.

14 THE COURT: You told, I gather from that, you told the
15 defense you were not calling Finocchiaro and you are basically
16 at the end of the day yesterday?

17 MS. FLETCHER: No, your Honor. At the end of the day
18 yesterday, Mr. Schmidt asked if we intended to call
19 Finocchiaro. I said if we do call him, he will very likely be
20 our last witness because we wanted Mr. Schmidt to have notice
21 of the witnesses he needed to prepare for the witnesses we're
22 calling today. Once Ms. Thompson's testimony concluded, we
23 informed both Mr. Schmidt and Mr. Paul we were, in fact, not
24 going to call Ms. Marcus and not going to call Mr. Finocchiaro.

25 THE COURT: Today, you told them today?

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1 MS. FLETCHER: Yes.

2 THE COURT: In court?

3 MS. FLETCHER: Yes, your Honor.

4 We also made clear, as we have throughout the trial,
5 to the extent Mr. Schmidt can provide documents to us for the
6 purposes of our authentication of those documents, especially
7 if he expected them to come in through Ms. Marcus, we're happy
8 to agree to the authenticity of those documents and discuss any
9 objections that we may have substantively to those documents.

10 THE COURT: Mr. Schmidt, if Finocchiaro and Marcus
11 were going to testify, you'd be in court for that testimony, so
12 when did you intend to get your ducks in a row for the defense
13 case?

14 MR. SCHMIDT: We would have at least two nights,
15 additional nights, your Honor, to get that done.

16 THE COURT: How is that? You would have tonight. You
17 are factoring in tonight?

18 MR. SCHMIDT: Because Mr. Finocchiaro is a witness,
19 like Mr. Sinclair, the primary witness of Olive Branch, and we
20 assumed the direct for him would have taken somewhere between
21 two and four hours, and we would have had at least that much --

22 THE COURT: You would have had tonight and tomorrow
23 night --

24 MR. SCHMIDT: We did.

25 THE COURT: -- to prepare the documents. Certainly I

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1 know where you're going in the defense case. You're just
2 talking about ordering the documents, which has given you a bit
3 of a problem throughout the trial, but that's what you're
4 talking about, right?

5 MR. SCHMIDT: That is right, your Honor.

6 THE COURT: Getting the documents in some order?

7 MR. SCHMIDT: Getting the documents in order, now
8 getting the documents that would have come in under Ms. Marcus
9 or Mr. Finocchiaro to see if we can get those documents in
10 otherwise. So, indeed, it is a huge undertaking, your Honor.
11 Especially with, for example --

12 THE COURT: You have two lawyers and a paralegal.

13 MR. SCHMIDT: I understand that, your Honor. I am
14 lead counsel. We found out about Ms. Marcus at the beginning
15 of this case and we have received a tremendous amount of 3500
16 material, I think like 163 numbers, not individual documents,
17 some of them are multiple documents, of Ms. Marcus.

18 I have spent every moment until usually around 10:00
19 sometimes to 11:00 pm trying to get everything ready for the
20 next day.

21 THE COURT: That late, 11:00 pm during trial? That
22 late, sir?

23 MR. SCHMIDT: Judge, I am human. If I can't get six
24 or seven hours of of sleep, I can't function the next day. I
25 think I am entitled to have six or seven hours of sleep a day,

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1 and this is the product of how this case went. I think it is
2 just unfair to have us -- obviously, were going to be rushing
3 it another half a day, but it would be impossible to have any
4 kind of organized defense.

5 THE COURT: As of now, to the extent you feel you can
6 tell me what does your defense case consist of in terms of
7 witnesses and time?

8 MR. SCHMIDT: The witnesses would be Mr. Owimrin, and
9 depending on his cross-examination, we might call our expert
10 witness, and obviously he would be very brief.

11 THE COURT: There has been discussion about the
12 expert. Please tell me about the expert. I thought it was
13 very brief, if I recall correctly?

14 MR. SCHMIDT: He would be testifying about --

15 THE COURT: The names?

16 MR. SCHMIDT: Right.

17 THE COURT: That Porzio is a better name than
18 Sinclair, that sort of thing.

19 MR. SCHMIDT: Or theory, perhaps reversed.

20 THE COURT: Yes.

21 MR. SCHMIDT: Mr. Owimrin worked from Olive Branch
22 from March, April of 2014, left Olive Branch, worked with Arash
23 Ketabchi until June 2016, so we're talking about that whole
24 length of time from the beginning basically to the end where
25 he's going to have to testify about what he did, all of the

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1 information, documents, the witnesses who testified, the
2 customers whose names have gone in in evidence based on
3 charge-backs and complaints.

4 THE COURT: I can't hold you to it. I don't intend to
5 hold you precisely to it. Do you have a sense of how long the
6 direct would be?

7 MR. SCHMIDT: Yes, I would say somewhere between three
8 and four hours if we are running smoothly with the documents.
9 It would double --

10 THE COURT: That is probably almost a day then for
11 cross-examination, probably a day. All right.

12 So Mr. Owimrin -- again I am not binding you to
13 this -- Owimrin and, if need be, the named expert?

14 MR. SCHMIDT: That's correct.

15 THE COURT: That is your case? Mr. Paul?

16 MR. PAUL: Your Honor, I would simply join in Mr.
17 Schmidt's application that we get some extension of time in
18 preparation. The government gave us a list this morning that
19 Ms. Marcus was going to be called to the stand, and as I
20 indicated, we didn't learn until we had our break, I believe,
21 that they were not going to call Ms. Marcus.

22 Now they've told us also they're not calling
23 Finocchiaro. I anticipate, and a lot of my time, even though I
24 have not had to concentrate like Mr. Schmidt on victims,
25 obviously, but I have had to concentrate on preparing for

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1 Mr. Sinclair, Finocchiaro, Ms. Marcus and others, so a lot of
2 my time has been focused on preparing for cross-examinations
3 for those witnesses.

4 Be that as it may, as your Honor is asking my defense,
5 I have not made a final decision as to whether or not my client
6 will be testifying.

7 THE COURT: Nor am I asking for that from either of
8 you. You understand that, Mr. Schmidt?

9 MR. SCHMIDT: Yes, I understand that. Obviously, I
10 have a lot less work to do if Mr. Owimrin was not going to
11 testify.

12 THE COURT: I understand. I just want the record to
13 be clear I am not asking for counsels' determination whether or
14 not their client is going to testify prior to the close of the
15 government's case. Mr. Paul?

16 MR. PAUL: I intend to recall Agent Giattino to the
17 stand for a very short direct having to do with some exhibits
18 that were introduced through Ms. Thompson, I believe, not
19 through him, but there are a few questions I have concerning a
20 few of those exhibits.

21 In addition to that --

22 THE COURT: Are you pressing the other exhibits; that
23 is, the other things, the other documents that were found?

24 MR. PAUL: If my client is not going to testify, then,
25 yes; if he is going to testify, I don't think that will be an

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1 issue with regard to those exhibits. We will decide that this
2 evening with regard to the exhibits.

3 We were going to enter into a stipulation in advance
4 of your Honor's ruling concerning those exhibits, but if, in
5 fact, I choose to call -- I think we'll still go ahead with the
6 stip to make sure we're covered with regard to that, and then
7 if we decide to call my client to the stand, there is no need
8 for your Honor's ruling because I think they will be admitted.

9 MR. SCHMIDT: I neglected to mention, I think there
10 are two or three other prior inconsistent statements that were
11 made, but hopefully we'll have a stipulation. If not, a
12 very --

13 THE COURT: In regard to what witness?

14 MR. SCHMIDT: Offhand, I am not sure. I think it
15 might be the detective, it might be one of them. I think he
16 took the prior inconsistent statement, and I am going to try to
17 deal with the government on the prior inconsistent statement.
18 I am assuming that if the government has an objection, it will
19 be for the admission of the statement; but if your Honor rules
20 that the statement is admitted, that the government will
21 probably stipulate to what the statement would be if the
22 witness was called.

23 THE COURT: I am not sure I understand that, but we
24 don't need to worry about it now since you don't know the
25 witness. Let me just do some calculations here.

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1 MR. PAUL: Judge, to add to the list, now that the
2 government is not calling Fino or Mr. Finocchiaro, I may be
3 calling him as my own witness.

4 THE COURT: Finocchiaro?

5 MR. PAUL: Yes.

6 THE COURT: Does the government want to reconsider not
7 calling?

8 MR. SOBELMAN: We'll discuss it, but I think that is
9 unlikely. With respect to Special Agent Giattino, this is the
10 first we are hearing of this.

11 THE COURT: No, it is not because I was handed at a
12 sidebar Mr. Paul said in connection with the documents.

13 MR. SOBELMAN: We hadn't heard anything about him
14 calling Special Agent Giattino since that time and we had
15 agreed in principle on a stipulation that we're understanding
16 they will present us with a draft of with respect to
17 authenticity.

18 Special Agent Giattino, in any event, wouldn't be able
19 to authenticate documents on the fly as we discussed before.
20 My understanding is Mr. Paul would have to submit a Touhy
21 request to the Department of Justice in order to call Special
22 Agent Giattino. I suggest if he intends to call him, he do so
23 immediately because it takes some time for those requests to
24 work their way through the system. It is unclear the purpose
25 for which he would be calling him in his own case and he would

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1 have to articulate that under the applicable regulations.

2 MR. PAUL: I thought Giattino works for the U.S.
3 Attorney's Office.

4 MR. SOBELMAN: He is a special agent with the U.S.
5 Attorney's Office for the Southern District of New York, which
6 is a component of U.S. Department of Justice.

7 I had this in --

8 THE COURT: I haven't looked at it recently, but I do
9 think you have to make a so-called Touhy request, but you can
10 work that out.

11 MR. SOBELMAN: I am happy to provide him with whatever
12 information he needs to make that possible.

13 MR. PAUL: With regard to the agent's testimony, it
14 would be a few questions regarding an exhibit the government
15 has reintroduced.

16 THE COURT: That may assist in your Touhy request.

17 MR. PAUL: There is no authenticity requirement for
18 this agent to produce them.

19 THE COURT: Perhaps the parties can stipulate to
20 whatever you're seeking. I don't think there is a surprise at
21 this point, so you discuss it with the government. That may
22 obviate any of these issues.

23 Let me just do some -- anything else, sir?

24 MR. SOBELMAN: With respect to the prior inconsistent
25 statements that Mr. Schmidt raised, we are not sure what

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1 witnesses or what statements he is talking about.

2 THE COURT: Nor is he. I don't mean that negatively,
3 but he has to check it out.

4 MR. SOBELMAN: Are there any other witnesses, we ask
5 you to inquire of Mr. Paul, that the defendant Shahram Ketabchi
6 is planning on calling himself, Special Agent Giattino and
7 Michael Finocchiaro?

8 MR. PAUL: I provided two additional names that may or
9 may not called that are character witnesses.

10 MR. SOBELMAN: One other item for the record.

11 With respect to the extra witness Mr. Schmidt spoke
12 about, we inquired earlier on the record for 26.2 material for
13 that witness, and we still received none.

14 THE COURT: We dealt with that at a hearing a couple
15 of days ago. I said you should be more specific.

16 MR. SCHMIDT: We forwarded an email with the
17 information.

18 MR. SOBELMAN: We received an email of a list of
19 sources that apparently the expert had relied on, including a
20 book from 1929, but we did not receive any 26.2 material.

21 THE COURT: The bases?

22 MR. SOBELMAN: No, your Honor, we didn't receive any
23 additional explanation of bases of his opinion.

24 We received a list of sources we then had to find a
25 librarian to pull for us. At this time we are not raising that

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1 as an issue. The issue I am raising, there are no 26.2
2 material, meaning written statements in the possession of
3 defense counsel, often referred to as reverse 3500 for this
4 witness.

5 MR. SCHMIDT: He may not be called, one.

6 THE COURT: That doesn't obviate the need for the
7 26.2.

8 MR. SCHMIDT: I understand that.

9 Your Honor, presently I have three lines of my
10 conversation with him, and if he is going to be called, I can
11 give him the three sets, but at this point it depends on the
12 cross-examination of my c lient and whether or not he could be.
13 Called.

14 THE COURT: Give him the three sentences because if he
15 is not called, it is not an issue.

16 MR. SCHMIDT: I will give it to them.

17 THE COURT: Let me do some time calculations here.
18 (Pause) Because I am trying to see if we can get this case to
19 this jury before Friday, and today is Wednesday.

20 My Deputy informs me today is Tuesday.

21 (Off-the-record discussion)

22 THE COURT: Just a moment, everybody. If today is
23 Tuesday, that changes things. I think this is what we can do.
24 Mr. Schmidt is asking for half a day. Let's get the
25 government's -- no. I forgot about this afternoon. Sorry.

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1 (Pause) The government, do you think you'll be able -- it
2 depends on the cross, obviously, get La Morte and Casanova on
3 and off tonight? That may be hard.

4 MS. FLETCHER: It does really, your Honor, depend on
5 the length of the cross.

6 THE COURT: Okay.

7 MS. FLETCHER: If there is not a lengthy cross, then
8 yes.

9 THE COURT: This is what I am going to do. I may
10 regret it. I'll tell the jury to come in like at 12:30
11 tomorrow. Mr. Schmidt, that way you have your morning, all
12 right, Mr. Schmidt?

13 MR. SCHMIDT: Yes.

14 THE COURT: That is how it now stands. Let's see.
15 I'll know better at the end of the day and try to
16 think about this timing as well. If we can get this case to
17 the jury this week, it would be good, all right?

18 Do the parties have some sense -- I will not ask about
19 the closings until we get further along. 3:00 o'clock. Thank
20 you.

21 (Luncheon recess)

22 (Continued on next page)

23

24

25

IAU8KET6

1 AFTERNOON SESSION

2 3:10 p.m.

3 (Jury not present)

4 THE COURT: Bring the jury in.

5 Let's be as efficient as we can. What I may do is
6 bring the jury in at regular time tomorrow, and then when the
7 government's case is over, let them go rather than starting in
8 the afternoon, because maybe the government case won't finish
9 up tomorrow if I do that. It just may be more efficient to
10 start regular time. But let's get as much evidence in as we
11 can this afternoon.

12 Jury entering.

13 (Continued on next page)

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IAU8KET6

LaMorte - Direct

1 (Jury present)

2 THE COURT: Please be seated.

3 Next witness for the government.

4 MR. SOBELMAN: The government calls Jo Anne LaMorte.

5 JO ANNE LaMORTE,

6 called as a witness by the government,

7 having been duly sworn, testified as follows:

8 THE DEPUTY CLERK: State your name and spell your last
9 name for the record.

10 THE WITNESS: Jo Anne LaMorte, L-A-M-O-R-T-E.

11 THE COURT: Good afternoon, Ms. LaMorte.

12 Please be seated. Speak loudly, slowly and clearly.

13 Your witness.

14 DIRECT EXAMINATION

15 BY MR. SOBELMAN:

16 Q. Good afternoon, Ms. LaMorte.

17 A. Good afternoon.

18 Q. Where do you live?

19 A. In Manhattan.

20 Q. For approximately how long have you lived in Manhattan?

21 A. 22 years.

22 Q. What is your educational background?

23 A. I have a bachelor's degree.

24 Q. Where do you work?

25 A. At NBC Universal.

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LaMorte - Direct

1 Q. What is your title with NBC Universal?

2 A. I'm a legal e-billing coordinator.

3 Q. What is e-billing?

4 A. It's electronic invoicing for law firms that send us their
5 invoices to NBC.

6 Q. Where did you work prior to joining NBC Universal?

7 A. At Mount Sinai School of Medicine.

8 Q. Where did you work before Mount Sinai?

9 A. General Electric.

10 Q. When did you join General Electric?

11 A. In November of 2013.

12 Q. What was your title with General Electric?

13 A. I was a legal e-billing coordinator.

14 Q. Was that a similar role to the one that you have now?

15 A. Yes.

16 Q. Were you working that job in the fall of 2014?

17 A. Yes.

18 Q. Were you satisfied with your level of income at that time?

19 A. Yes. But I wanted to earn more money for retirement
20 savings.

21 Q. Why?

22 A. Because I didn't have any retirement savings.

23 Q. What, if anything, did you do at that time to try to
24 increase your income?

25 A. I answered an e-mail about filling out surveys online.

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LaMorte - Direct

1 Q. What, if anything, happened after you filled out those
2 surveys?

3 A. After that I got a call from someone.

4 Q. Who did you get a call from?

5 A. A woman, her name was Deborah, she said.

6 Q. Do you know Deborah's last name?

7 A. No, I don't remember it.

8 Q. Approximately when did you receive that call?

9 A. December of 2014.

10 Q. What, if anything, did Deborah say about why she was
11 calling you?

12 A. She said she worked for a company that helped people work
13 from home with their own Web sites, and that her company would
14 build me a Web site and also teach me to build a Web site.

15 Q. Do you recall whether Deborah said she was calling from a
16 particular company?

17 A. She didn't say the name at that point. She did eventually
18 I think afterwards.

19 Q. What, if anything, did she say about the product or service
20 she was selling?

21 A. She said that -- she called it an educational program, and
22 she said that they had different tiers and each tier offered a
23 different service.

24 Q. Just generally, what was your understanding of what she
25 called the program at that time?

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LaMorte - Direct

1 A. She said it was -- it was a program to help people to build
2 a Web site, to work from home, and also to teach you to build a
3 Web site and maintain a Web site yourself.

4 Q. Were you interested in what Deborah was offering at that
5 time?

6 A. It sounded interesting, but I told her that I would think
7 about it.

8 Q. How did that call end?

9 A. She said that her director would call me like in a day or
10 two after that.

11 Q. Did there come a time when Deborah's director did call you?

12 A. Yes.

13 Q. Approximately how long after Deborah's call did that
14 happen?

15 A. About a day or two later.

16 Q. What was that person's name, the director?

17 A. Al Stroud.

18 Q. What, if anything, did Mr. Stroud say about why he was
19 calling you?

20 A. He said that he worked for a company that built Web sites
21 and that taught people to build Web sites and to maintain a Web
22 site so that you can work from home.

23 Q. Do you recall whether Mr. Stroud said he was calling from a
24 particular company?

25 A. I don't think he did the first time, but maybe afterwards.

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LaMorte - Direct

1 Q. What company did he eventually say he was calling from?

2 A. EDU Consulting.

3 Q. What, if anything, did he say about the timing of a
4 potential purchase from him?

5 A. He said at the beginning of the next year that the prices
6 were going to go up, and so I should -- if I was going to buy
7 it, I should buy it by the end of that year.

8 Q. Can you remind us, approximately when was this?

9 A. It was in December of 2014.

10 Q. What, if any, questions did Mr. Stroud ask you on that
11 call?

12 A. Well, he had asked me -- also, Deborah had asked me about
13 my credit, if I had good credit. And I said, yes, that I did.
14 I thought that was kind of weird because they kept calling it
15 an educational program. So he asked me too about my credit,
16 and I told him that I had good credit. And she said that the
17 company only accepted credit cards, which I thought was kind of
18 strange.

19 Q. What else, if anything, did Mr. Stroud tell you about the
20 educational program?

21 A. Well, he said a lot, but he said that -- he finally said at
22 the end, he told me the prices of what they charged for each
23 tier.

24 Q. What were those prices?

25 A. I think that one started at maybe 5,000 or 7500. Then

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LaMorte - Direct

1 there was another one at 10,000 and another one at 15,000.

2 Q. How did you respond to Mr. Stroud's sales pitch?

3 A. I gasped.

4 Q. Why?

5 A. Because it was so much money. I think I even said that. I
6 said that's a lot of money.

7 Q. How did that call end?

8 A. Again, I told him I would think about it.

9 Q. Did there come a time when you heard from Mr. Stroud again?

10 A. Yes.

11 Q. How many times did you hear from him after the first call?

12 A. Maybe two or three.

13 Q. What, if anything, did he say to you during those two or
14 three other calls?

15 A. He was talking about the program, and he was telling me
16 that I should, if I was going to buy it, to buy it by the end
17 of the year. And he said that they had videos on their Web
18 site and to look at them because there were other people on
19 there that they had successful Web site companies through his
20 company.

21 Q. What did he say about why you should sign up by the end of
22 the year?

23 A. Because he said that at the beginning of next year, that
24 the prices were going to go up, so I should buy it then.

25 Q. What, if anything, did Mr. Stroud say about how much money

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LaMorte - Direct

1 you would make if you joined his program?

2 A. He didn't really say. He said it depended on my effort and
3 how much I put into it.

4 Q. Moving to the last of those calls, what was your
5 understanding of why he called you that last time?

6 A. The last time, because he wanted me to buy it before the
7 end of the year.

8 Q. What, if anything, did he say on that call about whether
9 other people made money in the program?

10 A. Well, he had told me to see the Web site, the videos, and I
11 did. And the videos had one man that he made \$14,000 a month,
12 like selling some kind of car parts, or motorcycle parts. And
13 there was another couple, they made thousands of dollars a
14 month they said. Then there was another man, too, that he said
15 that he worked from home, and he said all he did was he turned
16 on his computer in the morning and that was his work.

17 Q. How did that call end?

18 A. Well, he said to me, he said to me -- he kept calling it an
19 educational program. So then I asked him, well, if I do this,
20 could I get a deduction on my taxes for the whole 15,000?
21 Because at that point I had planned, if I was going to do this,
22 to get the top tier because the top tier was the one where they
23 taught you to build a Web site, you know. So he said yes; he
24 said that I could deduct the whole thing. I said, all of it?
25 He said, all of it. So then I decided to do it. So I said

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LaMorte - Direct

1 yes, that I would do.

2 Q. Why did you agree to sign up?

3 A. Because I figured, well, I am not really losing anything
4 because I could get the money back when I do my taxes in a few
5 months, and I could earn some extra money at home.

6 Q. Which tier did you sign up for?

7 A. The top tier.

8 Q. Why did you sign up for the top tier?

9 A. Because the top one taught you to build a Web site, he
10 said.

11 Q. How much did you agree to pay?

12 A. \$14,999.

13 Q. What, if anything, happened after that call ended?

14 A. After that, I started getting all these other calls from
15 all these other companies that were trying to sell me Web sites
16 and similar programs. And I was getting calls -- one day I got
17 seven calls in one day. I was getting calls every day, like
18 two or three calls, from all different places in the country.

19 Q. Focusing on Mr. Stroud's program, did you proceed with that
20 program or at some point did something else happen within a few
21 days?

22 A. What happened was I called my accountant and I spoke to him
23 the next day, and I asked him about the whole tax deduction
24 thing because I wasn't sure if that was really true. So my
25 accountant said, no, that it wasn't true, that I couldn't

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LaMorte - Direct

1 deduct the whole thing in one year. He said he could split it
2 up like into threes, like a third each year going forward.

3 So then I decided, well, I can't do this. I don't
4 want to do this. I can't do it.

5 Q. Why?

6 A. Because it was \$15,000, and I didn't have that kind of
7 money, and I was putting it on American Express. So I decided
8 not to do it. So I wrote an e-mail to his company, and I said
9 that, you know, I was canceling out.

10 Q. What, if any, response did you get from that e-mail?

11 A. He called me a few days later and I was at work, and I
12 called him back on my break. Then he said -- I said to him, I
13 think, did you get the e-mail that I am canceling out from your
14 program? And he said, yes, but there has been some confusion.
15 And I was, like, there is no confusion, I am canceling out. I
16 am canceling out of the whole deal I think I said, something
17 like that. And then he said that I missed the deadline to
18 cancel.

19 Q. Let me stop you there. How soon after you signed the
20 contract with that guy and paid him money did you send your
21 cancellation e-mail?

22 A. It was within three business days.

23 Q. OK. Please continue. What happened next?

24 A. So then I said -- he said to me that I missed the deadline.
25 I said, I didn't miss the deadline because in the contract that

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LaMorte - Direct

1 I signed it says you have three business days to cancel, I
2 said. And I sent the e-mail on the third business day, which I
3 remember it was Christmas Eve, which is a business day.

4 Q. How did he respond?

5 A. And he said that their company worked with Internet
6 business days and that that included Saturday. And since that
7 included Saturday, that I was a day late because Saturday was
8 like the last day, in other words.

9 Q. What, if anything, did he say about contacting your credit
10 card company, American Express?

11 A. Well, after I wrote the e-mail, I called American Express
12 and I opened up a dispute so that they wouldn't pay it, so they
13 wouldn't pay his company, you know. So then he told me that
14 calling up American Express and opening up a dispute wasn't the
15 way to resolve the issue.

16 Q. What, if anything, did he say about how the issue or
17 dispute should be resolved?

18 A. Well, he called me at least several times, like on the
19 weekends at different times, because I wasn't undoing the
20 dispute. Then he said to me, one day he said, he said that he
21 could get after me, he said, like if I didn't pay, you know.

22 Q. Did he say who would get after you?

23 A. No, he didn't say.

24 Q. What, if anything, did he say about suing you?

25 A. Well, he didn't say. That's what he said, that -- that he

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LaMorte - Direct

1 had lawyers to get after me. He said, I have lawyers to get
2 after you. So I understood that to mean that he would sue me
3 for the money if I didn't, you know, dissolve the dispute with
4 American Express.

5 Q. What did you do next?

6 A. Then I decided, well, I have to pay him, I guess, because I
7 don't want to go into a suit. Hiring a lawyer would cost me
8 more than \$15,000 I figured. So then I called American Express
9 and I told them to put the payment through, and they did.

10 Q. What, if anything, did Mr. Stroud tell you about spending
11 money with other telemarketing companies?

12 A. He told me that to have the Web site work well I would have
13 to hire other companies for, like, other services for the Web
14 site to work.

15 Q. After your purchase with Mr. Stroud, did you receive other
16 similar telemarketing calls?

17 A. Yes. I received many, many.

18 Q. Do you recall the names of any of the companies from which
19 you received calls?

20 A. One was Business Development Center.

21 Q. Do you recall the name of the person who called you from
22 Business Development Center?

23 A. Andrew Owens.

24 Q. Approximately how long after you paid Mr. Stroud did
25 Mr. Owens call you?

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LaMorte - Direct

1 A. Seven months later.

2 Q. Do you know if Andrew Owens is his real name?

3 A. I don't know.

4 Q. Do you recall how old he sounded on the phone?

5 A. He sounded young.

6 Q. Approximately how many times did you speak with Mr. Owens?

7 A. About two or three.

8 Q. What phone did he reach you on?

9 A. On my cell phone.

10 Q. Where were you when you spoke to him?

11 A. At home.

12 Q. In Manhattan?

13 A. In Manhattan.

14 Q. Did he call you or did you call him?

15 A. He called me.

16 Q. What did Mr. Owens say about why he was calling you?

17 A. He said he worked for a company that had -- I could work
18 from home with a Web site and, also, they had a Web site too.

19 Q. What, if anything, did Mr. Owens say about the money you
20 would make from that Web site?

21 A. He said that from theirs I would get a check every two
22 weeks after 90 days, he said. He said that the amounts would
23 vary depending on how much they sold on their Web site.

24 Q. Were you interested in purchasing his services at that
25 time?

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LaMorte - Direct

1 A. I thought about it because I thought maybe those hundreds
2 of dollars could help me to pay the debt that I had already
3 incurred with Al Stroud's company.

4 Q. What, if anything, did Mr. Owens say about how much money
5 his other customers were making?

6 A. He said one man --

7 MR. SCHMIDT: Objection, your Honor. Leading.

8 THE COURT: Just a moment.

9 Rephrase.

10 Q. What else did Mr. Owens tell you on the call?

11 A. What else did he tell me? He told me that one man earned
12 \$800, someone else earned \$200.

13 Q. What, if anything, did Mr. Owens say about how you could
14 pay for the Web site that he was trying to sell you?

15 MR. SCHMIDT: Objection, your Honor.

16 THE COURT: I will allow it.

17 Q. You may answer, Ms. LaMorte.

18 A. He said that they only accepted credit cards.

19 Q. Were you able to pay him with a credit card?

20 A. No, I couldn't.

21 Q. Why not?

22 A. I didn't have any room left on my cards. They were all
23 maxed out by that point.

24 Q. What happened next?

25 A. Then he said that he could help me to get a credit card.

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LaMorte - Direct

1 Q. What happened next?

2 A. He called Discover, and we had a three-way conference call.

3 Q. What happened during that part of the call?

4 A. He introduced me to whoever at Discover, and then I applied
5 for a Discover card, like he got off the phone and I applied
6 for a Discover card.

7 Q. How did that call with Discover end?

8 A. I was approved for a card.

9 Q. How much credit did that card have on it?

10 A. \$8500.

11 Q. Had Mr. Owens mentioned to you any prices in the first part
12 of the call?

13 A. He said that they charge \$10,000 for their service.

14 Q. What happened after you were approved for the Discover card
15 that Mr. Owens helped you set up?

16 A. He called me back right away, and I told him I was approved
17 for \$8500.

18 Q. What happened next?

19 A. Then he said that their program was \$10,000, he said, but
20 he would ask his manager if they would accept 8500 instead of
21 10,000.

22 Q. What happened next?

23 A. He put me on hold. I said OK. He put me on hold. Then he
24 came back and he said, yes, that he spoke to his manager and
25 his manager said, yes, that 8500 was fine, that they would

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LaMorte - Direct

1 accept that. I even told him how convenient that your company
2 will accept \$8500, you know, instead of 10,000.

3 Q. Were you provided with a contract?

4 A. Yes, I was.

5 Q. Did you sign that contract?

6 A. Yes, electronically.

7 Q. Was that during the call with Mr. Owens?

8 A. Yes.

9 MR. SOBELMAN: Ms. Lee, can you please show the
10 witness what is marked for identification as Government Exhibit
11 140.

12 Q. Ms. LaMorte, do you recognize this?

13 A. Yes.

14 Q. What is it?

15 A. This is the contract that I signed electronically.

16 Q. Is this a true and accurate copy of this document?

17 A. Yes.

18 MR. SOBELMAN: The government offers Government
19 Exhibit 140.

20 MR. SCHMIDT: No objection, your Honor.

21 THE COURT: Hearing no objection, admitted.

22 (Government's Exhibit 140 received in evidence)

23 MR. SOBELMAN: Ms. Lee, can you please display it for
24 the jury.

25 Q. Ms. LaMorte, can you please read us the title at the top of

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LaMorte - Direct

1 the document?

2 A. "Service agreement."

3 Q. What is the date in the first paragraph?

4 A. July 17, 2015.

5 Q. What is the company listed in the first paragraph?

6 A. Business Development Center.

7 Q. Whose name is listed after that?

8 A. Jo Anne LaMorte.

9 Q. Is that you?

10 A. Yes.

11 Q. What is the price listed?

12 A. 8499.

13 MR. SOBELMAN: I am just going to pause so the jury
14 can read what is listed in italics underneath "products and/or
15 services."

16 Q. Ms. LaMorte, based on what Mr. Owens said during your call,
17 what was your understanding of what this site would do?

18 A. Well, he told me that I would have a site built for me, and
19 also, I was supposed to get money every two weeks from their
20 site.

21 MR. SOBELMAN: If we could go to page 3 of this
22 document.

23 Q. Ms. LaMorte, it says credit card ending 7050. Was that the
24 Discover card that Mr. Owens helped you set up?

25 A. Yes.

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LaMorte - Direct

1 Q. Did you e-sign this document?

2 A. Yeah. Electronically, yes.

3 MR. SOBELMAN: Ms. Lee, we can take it down.

4 Q. Ms. LaMorte, what happened after you opened the new
5 Discover card with Mr. Owens and you signed this contract?

6 A. Well, that night I read the contract, I read through it,
7 and I saw that it didn't say anything in it about getting a
8 check every two weeks, the way he told me over the phone.

9 Q. What did you do next?

10 A. I decided to cancel out of that because the contract wasn't
11 right.

12 Q. Did you try to cancel?

13 A. Yes.

14 Q. How did you go about doing it?

15 A. I wrote an e-mail the next morning, early in the morning,
16 to his company.

17 MR. SOBELMAN: Ms. Lee, can you please pull up
18 Government Exhibit 464 in evidence.

19 If we can zoom in on the bottom half.

20 Q. Ms. LaMorte, is this the e-mail you wrote?

21 A. Yes.

22 Q. Could you please read what it says under "from"?

23 A. The date?

24 Q. Just the name.

25 A. From Jo Anne LaMorte.

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LaMorte - Direct

1 Q. What is the date?

2 A. Sunday, July 19, 2015.

3 Q. What time was it sent out?

4 A. 5:51 a.m.

5 Q. Did you send it at 5:51 a.m.?

6 A. Yes, I did.

7 Q. Why?

8 A. Because I was very upset. It really bothered me that it
9 wasn't on there, you know, nothing about getting a check every
10 two weeks. So I couldn't sleep that night. So I woke up at
11 like 4 in the morning. I got up out of my bed, got my laptop,
12 and I wrote this whole e-mail out, and I sent it.

13 Q. Could you please read the subject line?

14 A. The subject line, "Canceling out of service agreement with
15 Business Development Center."

16 Q. Who did you send the e-mail to?

17 A. I sent it to info@bdcenter.net.

18 Q. Who did you understand you were sending it to?

19 A. Andrew Owens, his company.

20 Q. After "dear sirs," can you please read the first sentence
21 of this e-mail?

22 A. "Please be advised that I am canceling out of our agreement
23 to obtain services and/or products from your company."

24 Q. Can you please read just the next two sentences?

25 A. "I have reviewed the contract which I signed late Friday

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LaMorte - Direct

1 afternoon on July 17, 2015, and it does not state anything
2 about receiving checks every two weeks after 90 days as your
3 representative Andrew Owens stated in my telephone conversation
4 with him on Friday, July 17, 2015, and also in a previous
5 telephone conversation. Since it is now 5:00 in the morning on
6 Sunday, July 19, 2015, I am well within your three business day
7 right of cancellation."

8 Q. We are going to skip over the next paragraph in which you
9 quote the contract.

10 MR. SOBELMAN: Can you please go to page 2, Ms. Lee?

11 Q. How does this e-mail end, Ms. LaMorte?

12 A. "Thank you, Jo Anne LaMorte," and a phone number.

13 MR. SOBELMAN: Ms. Lee, you can take it down.

14 Q. Ms. LaMorte, what happened after you sent this e-mail?

15 A. I don't know if I called him or he called me, I think a few
16 days after, and I asked him if they had received the e-mail
17 that I sent.

18 Q. Who is "him"?

19 A. Andrew Owens.

20 Q. What do you recall about that conversation?

21 A. He said, yes, that they did, and that everything was
22 canceled, everything was done and over with.

23 Q. Earlier you testified that you paid approximately \$15,000
24 to Mr. Stroud, is that right?

25 A. Yes.

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LaMorte - Cross

1 Q. In addition to that, did you also make similar purchases
2 with other telemarketing companies?

3 A. Yes, because I thought I had to for this Web site.

4 Q. In total, approximately how much did you spend?

5 A. \$25,000, approximately.

6 Q. Were you able to make that money back?

7 A. No.

8 Q. Were you able to make any money?

9 A. No.

10 Q. Were you able to pay the credit card debt from those
11 charges?

12 A. No.

13 MR. SOBELMAN: No further questions.

14 THE COURT: Any cross?

15 MR. SCHMIDT: Yes.

16 CROSS-EXAMINATION

17 BY MR. SCHMIDT:

18 Q. Good afternoon, Ms. LaMorte.

19 A. Good afternoon.

20 Q. You told us that Mr. Stroud called you repeatedly?

21 A. Yes.

22 Q. Now, with Andrew, you had a conversation within that first
23 time when he sold you the product?

24 A. No. I spoke to him maybe two or three times, I think. It
25 wasn't once, maybe twice.

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LaMorte - Cross

1 Q. Do you recall how many days apart -- not the last time you
2 spoke to him after you canceled, but the one or two other
3 times, could you tell us how many days apart they would have
4 been?

5 A. I'm not sure. Maybe a day or two apart.

6 Q. Would it have been possible that you spoke to a young woman
7 who set an appointment up to speak to Mr. Owens at that time?

8 A. I don't remember. I don't think so.

9 Q. The first time that you spoke to him, did you talk
10 about -- what did you talk about the first time that you spoke
11 with him?

12 A. He said that he worked for a company that had a Web site
13 and that would also build a Web site for me.

14 Q. What else was part of that conversation?

15 A. I think I told him that I was interested in starting a Web
16 site to sell cosmetics, like organic and natural cosmetics.
17 And he seemed to think that that was a good idea, and he said
18 they could build a Web site for me for that.

19 Q. When did the discussion concerning --

20 MR. SCHMIDT: Can we put up the contract, please.
21 It's 140.

22 Can we highlight just below "products and/or
23 services."

24 Q. Now, did you have a discussion with him about what that Web
25 site would be about?

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LaMorte - Cross

1 A. Yes.

2 Q. Did he use the word "Youngevity" with you?

3 A. I don't understand what you mean by Youngevity.

4 Q. Youngevity, did he use that term, did you hear him say
5 Youngevity?

6 A. I don't remember him saying that, no.

7 Q. So it was your idea of what type of product that was going
8 to be sold?

9 A. Yes.

10 Q. You realized that if you were going to sell something over
11 the Internet, that you were going to have to do some -- there
12 would have to be some marketing on the Internet to be
13 successful, right?

14 A. Yes.

15 Q. Did you have a discussion with him about how long it would
16 take a Web site to get up and running?

17 A. I don't remember talking about a time.

18 Q. You said that you would start receiving checks
19 approximately 90 days?

20 A. That's what he told me, right.

21 Q. Was it 90 days after the Web site was up and running?

22 A. I believe it was like 90 days after I signed the contract,
23 because it was supposed to be money from his Web site, from
24 their company. According to him, it was already going, it was
25 already, you know, up and running.

IAU8KET6

LaMorte - Cross

1 Q. Now, it says here that you were to receive variety sample
2 product packages. Do you know what that meant?

3 A. I see that.

4 Q. What did that mean to you?

5 A. I don't know what he told me at that time. It was like
6 four years ago or whatever. I don't really remember what he
7 said exactly about that.

8 Q. It's clear that he did not tell you that -- withdrawn.

9 It was your understanding that you would be earning
10 money from the sales of whatever the product was going to be,
11 is that right?

12 A. Yes. Right.

13 Q. And he didn't tell you that there was going to be a
14 specific amount of return on that product because it was going
15 to depend on how much was sold, is that right?

16 A. No, not really, no.

17 Q. So he told you that there was going to be a specific amount
18 of return no matter whether you sold it or not?

19 A. From the Web site that his company had, he said every two
20 weeks I would get a check for varying amounts, depending on how
21 much they sold.

22 Q. You're telling us you didn't know what the item was being
23 sold?

24 A. No, I don't remember what he said about it. It was their
25 Web site, and I don't know what they were selling on it, or I

IAU8KET6

LaMorte - Cross

1 don't remember if he told me.

2 Q. On this, though, it says a starter kit with unique owner
3 Web site, is that right?

4 A. Yeah. Right. I see that.

5 Q. It does not say anything about their own company's Web
6 site, does it?

7 A. No. That's why I canceled with them because it doesn't say
8 anything about that.

9 Q. Now, when you entered into a contract with Mr. Stroud, what
10 were you supposed to receive from him?

11 A. I was supposed to receive coaching every week, and they
12 were supposed to build a Web site for me, and they were also
13 supposed to teach me to build a Web site.

14 Q. They agreed to help build a Web site for you, right, where
15 you would be selling products, is that right?

16 A. Right.

17 Q. And did you have a discussion with him about what the
18 products were?

19 A. Yes.

20 Q. What were the products that you had a discussion with
21 Mr. Stroud about?

22 A. He told me that they had coaching sessions every week, and
23 that someone would call me every week and go over what the best
24 products would be to sell, what would sell the most, depending
25 on statistics and -- like statistics online, and they could

IAU8KET6

LaMorte - Cross

1 help me to figure out what would be the best thing to sell,
2 that would sell the most.

3 Q. You said that you continued with Mr. Stroud because you
4 were afraid of going into a lawsuit?

5 A. Right.

6 Q. Did you get coaching from him?

7 A. Yes, I did; not him, but from his company.

8 Q. You said that you purchased other things from other
9 companies?

10 A. Yes, I did.

11 Q. What kind of things did you purchase?

12 A. I purchased a social media program from another company. I
13 also purchased -- from another company, they incorporated me,
14 they made an LLC for me. Those were two companies. I think
15 there was maybe a third or fourth company; they had some
16 services.

17 Q. Now, when you spoke with Mr. Owens, were you still dealing
18 with Mr. Stroud's company?

19 A. By that point I had pretty much -- I still had the Web
20 site, I understood, from Mr. Stroud's company, but I really
21 wasn't dealing with his company at that point by then.

22 Q. Now, you said that you sent an e-mail to cancel?

23 A. Right.

24 Q. You were very careful because what happened to you
25 previously, you wanted to make sure that you sent it in within

IAU8KET6

LaMorte - Cross

1 what you understood at that time was a three-day Internet
2 period of time?

3 A. No, three business days. That's what it said on the
4 contract.

5 Q. So you wanted to make sure that there wasn't going to be a
6 problem?

7 A. Right.

8 Q. So either you called up Mr. Owens or Mr. Owens called up
9 you because of the cancellation?

10 A. Right.

11 Q. You don't remember which way it was?

12 A. No, I don't really.

13 Q. Would it be fair to say that Mr. Owens did not try to stop
14 you from canceling?

15 A. That would be fair to say.

16 Q. He didn't try to?

17 A. He didn't try to stop me, no.

18 Q. He didn't try to put the hard sell on and get you to back
19 out of it?

20 A. No.

21 Q. Would it be fair to say that he was a gentleman, very nice
22 when you spoke with him?

23 A. He was, he was nice about it.

24 Q. Even though he knew that his company was going to lose the
25 sale that he made to you, right?

IAU8KET6

LaMorte - Cross

1 A. Right.

2 MR. SOBELMAN: Objection. Speculation.

3 THE COURT: Sustained.

4 The jury will disregard the answer.

5 Q. At the time that you entered the contract with Mr. Owens
6 and his company, did you have ready access to \$10,000?

7 A. No.

8 Q. So if you were able to pay by not a credit card, but by
9 check, you didn't have the money to do so?

10 A. No.

11 Q. So would it be fair to say that it was you explaining to
12 Mr. Owens that it sounded interesting, but I don't have the
13 money to pay for it?

14 A. Right. He also said that they only took credit cards.

15 Q. Are you certain about that?

16 A. I'm not sure about that, but I think he said that. I'm not
17 sure.

18 Q. It may have been that you said you didn't have the money
19 for it, and then you had a discussion of whether or not you had
20 sufficient credit worthiness to get a credit card so you can
21 actually enter into this business?

22 A. Right.

23 Q. So he was being helpful to you?

24 A. Yes.

25 Q. He didn't harass you or harangue you, he was having a nice

IAU8KET6

Casanova - Direct

1 conversation with you and you entered into an agreement?

2 A. Right.

3 MR. SCHMIDT: I have no further questions, your Honor.

4 MR. PAUL: No questions, your Honor.

5 THE COURT: Redirect.

6 MR. SOBELMAN: No further questions, your Honor.

7 THE COURT: Thank you, Ms. LaMorte. You may step
8 down. You're excused.

9 (Witness excused)

10 THE COURT: Next witness for the government.

11 MS. FLETCHER: Your Honor, the government calls Jenna
12 Casanova.

13 JENNA HUFFMAN CASANOVA,

14 called as a witness by the government,

15 having been duly sworn, testified as follows:

16 THE DEPUTY CLERK: State your full name and spell your
17 name for the record.

18 THE WITNESS: Jenna Huffman Casanova, J-E-N-N-A,
19 H-U-F-F-M-A-N, C-A-S-A-N-O-V-A.

20 THE COURT: Good afternoon.

21 Please be seated, Ms. Casanova. Welcome.

22 Your witness.

23 DIRECT EXAMINATION

24 BY MS. FLETCHER:

25 Q. Good afternoon, Ms. Casanova.

IAU8KET6

Casanova - Direct

1 A. Hi.

2 Q. What do you do for a living?

3 A. I'm a forensic accountant with Deloitte.

4 Q. What is Deloitte?

5 A. Deloitte is a financial advisory company. We offer audit,
6 tax, and consulting in financial matters.

7 Q. How long have you been with Deloitte?

8 A. A little over a year and a half.

9 Q. Are you currently assigned to work with a law enforcement
10 agency?

11 A. I am. Deloitte is contracted through Treasury, and I am
12 detailed from Treasury to Homeland Security Investigations.
13 The group I work with involves NYPD police officers, agents
14 from various agencies.

15 Q. Is there a name for the task force that you're assigned to?

16 A. Yes.

17 Q. What is that?

18 A. El Dorado Task Force.

19 Q. Where geographically do you work?

20 A. New York.

21 Q. Prior to joining Deloitte, where did you work?

22 A. KPMG.

23 Q. What is KPMG?

24 A. Also a financial advisory company, specializing in audit,
25 tax, and financial advisory.

IAU8KET6

Casanova - Direct

1 Q. Focusing on your work now, on the El Dorado Task Force,
2 what are some of your duties and responsibilities as a forensic
3 accountant?

4 A. I provide financial analysis for cases. I can assist with
5 subpoena and affidavits.

6 Q. Did there come a time when you were asked to provide
7 assistance in this case?

8 A. Yes.

9 Q. Who asked you to provide assistance in this case?

10 A. My colleague, Ms. Pickman.

11 Q. What is Ms. Pickman's first name?

12 A. Sydney.

13 Q. What is Sydney Pickman's role?

14 A. Sydney Pickman also works with Deloitte as a forensic
15 accountant, and provides similar services to what I do, the
16 same services.

17 Q. Approximately when did Ms. Pickman ask you to review or to
18 participate in this particular case?

19 A. In September of this year.

20 Q. Prior to your conversation with Ms. Pickman, had you had
21 any role in performing any of the financial analysis in this
22 case?

23 A. No.

24 Q. What, if any, documents or spreadsheets did you review in
25 connection with your analysis in this case?

IAU8KET6

Casanova - Direct

1 A. I reviewed the analysis Ms. Pickman had performed and the
2 underlying support for that analysis.

3 Q. Can you describe generally what types of documents that
4 included?

5 A. Bank statements and images of the checks or deposits that
6 can accompany the bank statements.

7 Q. Did you also review spreadsheets?

8 A. Yes. Sorry. The bank statements were converted into Excel
9 using a program called SSIS, and once it's put into that
10 program, we are able to export it into Excel and do analysis in
11 the Excel.

12 MR. SOBELMAN: Ms. Lee, can we please pull up what has
13 been marked for identification as Government Exhibit 905.

14 Q. Ms. Casanova, do you see Government Exhibit 905 on your
15 screen?

16 A. I do, yes.

17 Q. Do you recognize Government Exhibit 905?

18 A. Yes.

19 Q. What is Government Exhibit 905?

20 A. It's the summary of accounts that Ms. Pickman used in
21 putting together her analysis.

22 Q. Did you prepare this summary chart?

23 A. I did not.

24 Q. Who prepared it?

25 A. Ms. Pickman.

IAU8KET6

Casanova - Direct

1 Q. Did you review the data for the accounts that are listed in
2 Government Exhibit 905?

3 A. No.

4 Q. I should ask a different question. Did you review all the
5 data for the accounts listed in Government Exhibit 905?

6 A. No.

7 Q. What, if any, subset of the data did you review?

8 A. I reviewed the accounts and the information that Ms.
9 Pickman provided her analysis on. It varied. It was off of
10 this list.

11 MS. FLETCHER: The government offers Government
12 Exhibit 905.

13 THE COURT: Hearing no objection, admitted.

14 MR. SCHMIDT: If I may?

15 THE COURT: Yes.

16 VOIR DIRE EXAMINATION

17 BY MR. SCHMIDT:

18 Q. What we are looking at now, this exhibit, is just a list of
19 different bank accounts, with the name of the account holder,
20 signatories, when it was opened and when it was closed, the
21 account number and the bank, and that's the only information
22 here?

23 A. Yes.

24 MR. SCHMIDT: I have no objection.

25 THE COURT: Admitted without objection.

IAU8KET6

Casanova - Direct

1 (Government's Exhibit 905 received in evidence)

2 MS. FLETCHER: May I publish?

3 THE COURT: Yes.

4 MS. FLETCHER: Thank you for the preview, Mr. Schmidt.

5 THE COURT: The jury will disregard the statements of
6 the lawyers. You know that.

7 BY MS. FLETCHER:

8 Q. Ms. Casanova, do you still see that document on your
9 screen?

10 A. Yes.

11 Q. We talked just a moment ago about what you reviewed and
12 what you didn't review.

13 Are you familiar with the volume of documentation that
14 makes up the different accounts listed in Government Exhibit
15 905?

16 A. Yes.

17 (Continued on next page)

18

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IAUJKET7

Casanova - direct

1 BY MS. FLETCHER:

2 Q. How voluminous is that documentation?

3 A. Thousands of pages.

4 Q. Generally when you review financial records, do you review
5 those thousands of pages or do you review them in another
6 format?

7 A. We generally review them in Excel.

8 Q. Let's talk a through this particular Excel. Can you give
9 an explanation of what is reflected in each column for the
10 first account listed here.

11 A. Sure. The first account, the first column is the bank, the
12 second column is the account number of that bank, the third
13 would be the account holder at the bank, and the fourth under
14 signatories is the person authorized to sign for that account.

15 Then the last two columns are the date that we have
16 the records, the beginning date and the account closed is the
17 ending date.

18 Q. Do you see in the column on the far right how certain
19 accounts say either "unknown" or "not applicable"?

20 A. Yes.

21 Q. What does that signify?

22 A. It indicates in the records we had that the account was not
23 closed or we don't know its current status.

24 Q. Let's go ahead and take that down. I'll show you what has
25 been marked for identification as Government Exhibit 904. Do

IAUJKET7

Casanova - direct

1 you recognize Government Exhibit 904?

2 A. I do.

3 Q. What is it?

4 A. It is a listing of the payments Jane Thompson made to the
5 business A1 Business Consultants.

6 Q. Did you prepare this chart?

7 A. No.

8 Q. What, if any, steps did you take to review it for accuracy?

9 A. I reviewed the accompanying checks that Ms. Pickman used to
10 build this chart.

11 Q. Ms. Casanova, I will hand you a binder. It is a multipage
12 document. If you could please turn to what is behind Tab 904
13 You can publish 904 A in evidence.

14 Did you review the documents at 904 A?

15 A. Yes.

16 Q. What are the documents behind 904 A?

17 A. It's the check images, the front and back images from Ms.
18 Jane Thompson to the business A1 Business Consultants.

19 Q. How, if at all, do these documents compare to the documents
20 you reviewed to prepare Government Exhibit 904, to verify the
21 accuracy of Government Exhibit 904?

22 A. These were the documents reviewed so they were the check
23 images.

24 MS. FLETCHER: The government offers Government
25 Exhibit 904.

IAUJKET7

Casanova - direct

1 MR. SCHMIDT: No objection.

2 MR. PAUL: No objection.

3 THE COURT: 904 admitted.

4 (Government's Exhibit 904 received in evidence)

5 MS. FLETCHER: Can we please publish.

6 BY MS. FLETCHER:

7 Q. Ms. Casanova, can you please walk us through what the
8 different pieces of information are in the first row with
9 reference to the column headings?

10 A. Sure. The first column is the bank account. The second
11 would be the date of deposit. The third would be the amount
12 the check was written for. The next was the source of deposit
13 is the person who wrote the check, which the next column was
14 who received the check, and that column is the name written
15 actually on the check, and the memo also comes directly from
16 the check memo section.

17 Q. Let me make sure I understand what is reflected in the
18 payee column. You say it is who received the check?

19 A. It is the name that was written on the check under the,
20 "pay to the order line."

21 Q. Did you total up the checks that were paid to the entity in
22 the payee column from Jane Thompson?

23 A. I did.

24 Q. What is the total amount of money that Jane Thompson wrote
25 in checks to A1 Business Consultants?

IAUJKET7

Casanova - direct

1 A. \$238,993.00.

2 Q. Ms. Casanova, why did you add up the checks from this
3 individual Jane Thompson?

4 A. You asked me to.

5 Q. Do you have any idea who Ms. Thompson is?

6 A. No.

7 Q. Can you pull up what is marked for identification as
8 Government Exhibit 906. Do you recognize Government Exhibit
9 906?

10 A. I do.

11 Q. What is it?

12 A. It's a summary of the account activity in Element Business
13 Services.

14 Q. Who prepared Government Exhibit 906?

15 A. Ms. Pickman.

16 Q. What, if any, steps did you take to confirm the accuracy of
17 the data in Government Exhibit 906?

18 A. I reviewed the bank statements for the business Element
19 Business Services.

20 Q. Can I ask you to turn to the information behind 906 A in
21 your binder.

22 A. Yes.

23 Q. What is behind 906 A?

24 A. The actual statements from the business Element Business
25 Sources at Bank of America.

IAUJKET7

Casanova - direct

1 MS. FLETCHER: The government offers Government
2 Exhibit 906.

3 MR. SCHMIDT: No objection.

4 MR. PAUL: No objection.

5 THE COURT: Admitted without objection.

6 (Government's Exhibit 906 received in evidence)

7 BY MS. FLETCHER:

8 Q. Ms. Lee, can we please blow up just the top third or so of
9 that sheet. Perfect.

10 Ms. Casanova, do you see the date 6-5-2015?

11 A. I do.

12 Q. What date does that signify with respect to this account?

13 A. It is the date the account was opened.

14 Q. What is the source of the opening funds for that account?

15 A. A check from the business Al Business Consultants.

16 Q. Do you see the three transactions just below that?

17 A. I do.

18 Q. For 7-23 and 7-24 of 2015?

19 A. Yes.

20 Q. Can you describe what is reflected in those three
21 transactions.

22 A. Sure. It's two deposits, one on July 23, 2015, and one on
23 July 24, 2015, from the credit card processor APS and
24 immediately that is followed by a withdrawal on 7-24 through a
25 check to Olive Branch Marketing.

IAUJKET7

Casanova - direct

1 Q. Did you review all of the account statements for this
2 particular account?

3 A. Yes.

4 Q. Can you describe generally what type of account activity
5 you saw in that account?

6 A. Yes, we're seeing deposits quickly followed by withdrawals.
7 The deposits vary between the credit card processor or cash.

8 Q. How about the withdrawals?

9 A. They were being paid to two main businesses, Olive Branch
10 Marketing or Al Business Consultants -- sorry -- of the
11 withdrawals were back to the credit card processor APS.

12 Q. Is there a term in forensic accountant speak for what type
13 of account this seems to be?

14 A. It shows characteristics of a funnel account. The money
15 is -- we are seeing deposits and withdrawals quickly in a short
16 time-frame, the account is appearing to be a pass-through to
17 another business.

18 MR. SCHMIDT: Objection.

19 THE COURT: I'll allow it.

20 BY MS. FLETCHER:

21 Q. Just focusing on those two transactions on July 23rd and
22 July 24th we were just talking about, do you see where it says
23 ACHN/CC?

24 A. Yes.

25 Q. What does that mean?

IAUJKET7

Casanova - direct

1 A. ACH stands for Automatic Clearinghouse. It is a type of
2 payment or processing that happens between banks. It is
3 similar to a wire, but it is a little bit quicker and happens
4 in batch statements between the banks.

5 Q. Ms. Lee, if we could please go back to the main document
6 and blow up the transactions on September 15th and September
7 17th.

8 Ms. Casanova, can you take a look at the three
9 transactions that are at the bottom of the blowup on your
10 screen and explain to the jury what is happening on September
11 15th and September 17th of 2015 in this account.

12 A. Sure. On the 15th of September 2015, we see a cash deposit
13 for \$13,300.00. And two days later, we immediately see a
14 withdrawal by the credit card processor APS for roughly the
15 same amount.

16 Q. Do you see a single withdrawal or do you see multiple
17 withdrawals?

18 A. We are seeing two withdrawals on the September 17.

19 Q. What is the total of those two withdrawals?

20 A. \$134,995.00.

21 Q. Are you able to see, based on your review of the underlying
22 bank statements, what the purpose of these two ACH out
23 transactions are on 9-17-2015?

24 A. Yes. I believe the description on the bank account states
25 a charge-back.

IAUJKET7

Casanova - direct

1 Q. Ms. Lee, if we could please take that down and blow up
2 instead the transaction on October 22nd. Ms. Casanova, can you
3 please describe -- do you need a moment?

4 A. No.

5 Q. Can you please describe what transactions are reflected for
6 October 22, 2015, the Element account?

7 A. Yes, we're seeing a deposit from the credit card processor
8 APS for \$6,995.26 followed by a check out the same day to A1
9 Business Consultants for \$7,000.

10 Q. We can take that down, Ms. Lee, and just leave up the full
11 screen of the document.

12 You saw the check to A1 Business Consultants. Had you
13 seen any checks made payable to A1 Business Consultants prior
14 to that check in this account?

15 A. No.

16 Q. Let's take a look at the last transaction on 12-3-2015.

17 Ms. Casanova, what is that transaction?

18 A. It's a withdrawal from the Element Business Service
19 accounts for \$11,950.79.

20 Q. What, if anything, are you able to tell about the purpose
21 of that transaction, based on your review of the account
22 records?

23 A. It was the final withdrawal from the account.

24 Q. What does that mean?

25 Was the account subsequently closed?

IAUJKET7

Casanova - direct

1 A. Based on the dates provided by the bank, yes, the account
2 was no longer open after that.

3 Q. When you say the "dates provided by the bank," what are you
4 referring to?

5 A. The statement dates. There was no further information.

6 Q. There were no statements after December of 2015?

7 A. No.

8 Q. Ms. Lee, can we please pull up what is -- sorry. Let's go
9 to what is in evidence as Government Exhibit 906 A. If we can
10 go to the very last page of that document which is I believe
11 Page 42.

12 Ms. Casanova, do you see Government Exhibit 906 A
13 there in your binder?

14 A. I do.

15 Q. Do you see the very last page of Government Exhibit 906 A?

16 A. I do.

17 Q. What is the document that is the very last page of
18 Government Exhibit 906 A?

19 A. It is the signature page for the bank account.

20 Q. Is that also called the signature card?

21 A. Yes, the signature card.

22 Q. What is the purpose of a signature card, as you understand
23 it?

24 A. Basically for business accounts related to a personal
25 account gives the bank authorization for who can sign and make

IAUJKET7

Casanova - direct

1 withdrawals on behalf of that account.

2 Q. Do you see names listed on the signature card for the
3 Element Business Services account?

4 A. I do.

5 Q. What are the names listed?

6 A. Masoud Kouchehmanesh and Andrew Owimrin.

7 Q. Do you see the dates next to their signatures on the
8 signature card?

9 A. Yes.

10 Q. What is the date?

11 A. June 5, 2015.

12 Q. Ms. Lee, can you please show Ms. Casanova what's been
13 marked for identification as Government Exhibit 908.

14 Can you take a look at 908 in your binder now on your
15 screen?

16 A. Yes.

17 Q. Do you recognize Government Exhibit 908?

18 A. Yes.

19 Q. What is it?

20 A. It is a summary of payments to Shahram Ketabchi which
21 includes payments by the business A1 Business Consultants and
22 cash deposits into his account.

23 Q. Did you and Ms. Pickman prepare this?

24 A. Ms. Pickman prepared this.

25 Q. What, if any, steps did you take to review it for accuracy?

IAUJKET7

Casanova - direct

1 A. I reviewed the underlying transactions she provided.

2 Q. Can you take a look at what is in your binder and in
3 evidence as 908 A.

4 A. Yes.

5 Q. What is 908 A?

6 A. It is the wire and cash deposit information used to prepare
7 the summary.

8 MS. FLETCHER: The government offers Government
9 Exhibit 908.

10 MR. SCHMIDT: No objection.

11 THE COURT: Admitted without objection.

12 (Government's Exhibit 908 received in evidence)

13 MS. FLETCHER: Ms. Lee, please publish.

14 THE COURT: Mr. Paul, no objection, correct?

15 MR. PAUL: I was the first to say that, yes.

16 THE COURT: All right.

17 BY MS. FLETCHER:

18 Q. Ms. Casanova, do you see Government Exhibit 908 on your
19 screen?

20 A. Yes.

21 Q. Can you describe what information or what data is reflected
22 in each of the columns here on Government Exhibit 908?

23 A. Sure. The first column is the date of the deposit, the
24 second is the amount, the third is who paid Mr. Shahram, and
25 the last is the location of the deposit if it was a cash

IAUJKET7

Casanova - direct

1 deposit.

2 Q. Where did the information in the summary chart come from?

3 A. The bank statements in support for Mr. Shahram Ketabchi's
4 accounts.

5 Q. What is the date of the first transaction listed on this
6 summary chart?

7 A. December 8th, 2015.

8 Q. Are you aware of whether there were cash deposits into
9 Shahram Ketabchi's accounts prior to that date?

10 A. There were.

11 Q. Why does the chart begin on that date?

12 A. It was requested for us to review the payments to
13 Mr. Shahram Ketabchi from the A1 Business Consultants, and we
14 started with the date, the first date of that payment.

15 Q. What type of transaction is the transaction on 12-8-2015?

16 A. It is a wire from the business A1 Business Consultants.

17 Q. Did you include any cash deposits into Shahram Ketabchi's
18 accounts prior to that first A1 Business Consultants wire?

19 A. No.

20 Q. Taking a look at the various cash deposits that follow that
21 between January of 2016 and March of 2016, can you explain what
22 the location column means for those particular transactions.

23 A. It indicates, where known, the actual location of the
24 deposit.

25 Q. Were some of them unknown?

IAUJKET7

Casanova - direct

1 A. Yes.

2 Q. Can we please show the whole document again, Ms. Lee.

3 Did you total up the wires from A1 Business
4 Consultants to Shahram Ketabchi and the cash deposits into
5 Shahram Ketabchi's account?

6 A. I did.

7 Q. What was the total of those transactions?

8 A. \$30,825.00.

9 Q. To be clear, based on your review of Shahram Ketabchi's
10 accounts, did he receive deposits from other sources besides,
11 for example, A1 Business Consultants and besides cash deposits?

12 A. He did.

13 Q. What type of deposits did he receive?

14 A. Payments from Lyft and a company called Razor LSE, a
15 subsidiary of Uber.

16 Q. How about cash transfers from other accounts?

17 A. I don't recall that.

18 Q. What, if any, transactions did you see that indicated to
19 you that Shahram Ketabchi may have had other bank accounts?

20 A. He made a check payment from an account with a check title
21 that had his name at U.S. Bank.

22 Q. Can you explain what you mean by that, he made a --

23 A. Sorry. The image of the check provided in the backup to
24 the financial statements showed in the upper left similar to
25 your personal checks the name Shahram Ketabchi with the same

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Casanova - direct

1 address, and it was at a bank called U.S. Bank.

2 Q. Just to clarify one point about the deposit location column
3 on Government Exhibit 908, are those branch locations or are
4 they ATMs? How did you determine the information for that
5 particular column?

6 A. So on the support from Bank of America, they put the name
7 of the branch. Where it had a New York City address, we put,
8 "New York."

9 Q. What if the address was an address in Franklin Lakes, New
10 Jersey, for example?

11 A. The bank would only put, "Franklin Lakes."

12 Q. We can take that down and pull up what has been marked for
13 identification as Government Exhibit 909. Do you recognize
14 Government Exhibit 909?

15 A. I do.

16 Q. What is it?

17 A. It's a summary of the payments into Andrew Owimrin's
18 account, half of the business Olive Branch Marketing and A1
19 Business Consultants and also includes cash deposits.

20 Q. Did you prepare this?

21 A. No.

22 Q. Who prepared it?

23 A. Ms. Pickman.

24 Q. What, if any, steps did you take to verify the accuracy of
25 the summary chart?

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Casanova - direct

1 A. I reviewed the image, information she used to build this
2 chart, so it was images of the checks and the bank statements.

3 Q. Are those the checks and bank statements that are in
4 evidence as Government Exhibit 909 A?

5 A. Yes.

6 MS. FLETCHER: The government offers Government
7 Exhibit 909.

8 THE COURT: Hearing no objection, admitted.

9 (Government's Exhibit 909 received in evidence)

10 BY MS. FLETCHER:

11 Q. The same question, Ms. Casanova, the same question with
12 respect to the prior exhibit. Can you explain what is
13 reflected in each of the columns here on the Andrew Owimrin
14 payments summary.

15 A. The first column is the date of deposit. The second column
16 is the amount that was deposited, and the third column is the
17 entity that wrote the check that was for deposit or if it was a
18 cash deposit.

19 Q. Now, what is the time-frame that is captured in this
20 particular exhibit?

21 A. It was from May 30th of 2014 until April 27, 2016.

22 Q. Why did you confine the summary to that date range?

23 A. You requested it.

24 Q. Taking a look at the first entry for cash deposit, do you
25 see that on June 30th, 2014?

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Casanova - direct

1 A. I do.

2 Q. Can you explain how you were able to determine, based on
3 the review of the bank records, there was a cash deposit on
4 that date?

5 A. There was an accompanying deposit slip that had "cash"
6 written on it.

7 Q. Were there other cash deposits that were not included on
8 this summary chart?

9 A. Yes.

10 Q. Why did you not include those cash deposits?

11 A. We had checks from the entity written to Mr. Owimrin that
12 reflected the exact same amount of the cash deposited into his
13 account.

14 Q. In those instances, is it fair to say that you had both the
15 check paid to Mr. Owimrin and a separate cash deposit in the
16 same amount?

17 A. Yes.

18 Q. Why did you not include both?

19 A. We were requested to show the payments from the entities to
20 Mr. Owimrin.

21 Q. As opposed to showing the cash deposits?

22 A. Are correct.

23 Q. What, if anything, would including both the check and the
24 cash deposit do with respect to the total here?

25 A. It would have double-counted the amounts that were actually

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Casanova - direct

1 deposited into his account.

2 Q. In those instances, where you had an entity making a check
3 payable to Mr. Owimrin and a corresponding identical amount
4 cash deposit, which of the two did you leave off of this chart?

5 A. We left off the cash deposit.

6 Q. In those instances when you had an entity making a check to
7 Mr. Owimrin and a corresponding cash deposit, what, if
8 anything, would those transactions in the back update tell you
9 about what the person negotiating the check did with the check?

10 A. It indicates he cashed the check and deposited the amount
11 in his account.

12 Q. When you say "the amount," do you mean the cash or the
13 check?

14 A. The check amount, the amount written on the check would
15 have been cashed and that amount deposited into his account.

16 Q. Can we blow up that -- sorry -- the other way, zoom out.
17 Show the whole page. Thank you.

18 Did you total up the checks made payable to
19 Mr. Owimrin from the Olive Branch and A1 Business Consultants
20 entities and the cash deposits for which you could not find a
21 corresponding check amount?

22 A. Yes.

23 Q. What was the total of that, of those two pieces data?

24 A. \$112,6487.12.

25 MS. FLETCHER: May I have a moment, your Honor?

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Casanova - direct

1 THE COURT: Yes.

2 (Off-the-record discussion)

3 BY MS. FLETCHER:

4 Q. Ms. Casanova, just a couple of clarifying questions.

5 Going back to the example we just discussed where an
6 entity wrote a check to Mr. Owimrin, and you separately had a
7 cash deposit into Mr. Owimrin's accounts --

8 A. Yes.

9 Q. -- how were you able to see both pieces of those two types
10 of transactions?

11 A. We had the account statements for the entities Olive Branch
12 Marketing and AI Business Consultants and we were able to
13 identify in their banking information checks written to
14 Mr. Owimrin.

15 Q. You didn't see those checks in Mr. Owimrin's accounts. Is
16 that fair?

17 A. Correct.

18 Q. What did you see in Mr. Owimrin's accounts?

19 A. We saw deposit slips for cash in amounts that matched the
20 checks deposited within a short time-frame of the check having
21 been written.

22 MS. FLETCHER: No further questions, your Honor.

23 THE COURT: Is there any cross-examination?

24 MR. SCHMIDT: Just a few, your Honor.

25 CROSS EXAMINATION

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Casanova - cross

1 BY MR. SCHMIDT:

2 Q. Cashing a check and then depositing it as cash doesn't make
3 the check disappear from the banking system, does it?

4 A. No.

5 Q. Cashing a check and then depositing the cash makes the
6 money that you deposited in the bank account immediately
7 available. Is that right?

8 A. It can be. It depends on the bank.

9 Q. If you put cash into a bank, that money is immediately
10 available. Is that right?

11 A. I would think, yes.

12 Q. If you put a check into the bank, it may not be immediately
13 available. Is that right?

14 A. Yes.

15 Q. Now, you said that you went up to I think April of
16 something on the accounts and just went through those checks
17 being cashed and deposited?

18 A. Correct.

19 Q. And you did that because you were told just to go up to
20 that point. Is that right?

21 A. It was requested by Ms. Fletcher, correct.

22 Q. But the account was closed in June of 2016. Is that
23 correct?

24 A. Correct.

25 Q. Did you look at the statements of the account in May and

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Casanova - cross

1 June of 2016?

2 A. Ms. Pickman was the one who reviewed this, so I did not.

3 Q. You don't know what the status of those accounts were after
4 that last check in April. Is that right?

5 A. No.

6 Q. Am I correct?

7 A. You're correct.

8 MR. SCHMIDT: No other questions.

9 MR. PAUL: I have a few, Judge.

10 CROSS EXAMINATION

11 BY MR. PAUL:

12 Q. Ms. Casanova, could you look at Exhibit 908 again, please.

13 A. Sure.

14 Q. Would you put it up on the screen. Can we blow that up.

15 Now, let me understand something. This is from
16 December 2015 to January of 2017, so this incorporates
17 approximately a year, a little more than a year. Is that
18 right?

19 A. Yes.

20 Q. It shows the payer, an amount for first line, December 8th,
21 \$3,000, A1 business, and it has other A1 Business Consultants,
22 Capital One from different accounts, it looks like, or at least
23 two different accounts for A1 Business. Is that so?

24 A. Yes.

25 Q. Now, if you count those up, I believe there are 10 entries

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Casanova - cross

1 with regard to payments made to Mr. Ketabchi from A1 Business?

2 A. Yes.

3 Q. It shows cash deposits.

4 Now, were these other cash deposits, which are most of
5 the items in this chart, were they matched up with any entities
6 at all?

7 A. No.

8 Q. So it just showed that there was a cash entry into his
9 account, right, that he deposited cash?

10 There was cash deposited into his account. Is that
11 right?

12 A. Correct.

13 Q. Prior to December 8th, 2015, did you investigate any money
14 that was deposited into Mr. Ketabchi's account or accounts?

15 A. No.

16 Q. So we don't know, based on your information, whether or not
17 any other amounts were cashed or sent by A1, or is this the
18 first entry you were able to locate from A1, December 8th,
19 2015?

20 A. This was the first entry from A1 in the statements in my
21 review. There were other cash deposits.

22 Q. From A1?

23 A. I can't identify that.

24 Q. You had other cash deposits, but you weren't able to tie
25 them into an entity, is that what you're saying?

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Casanova - cross

1 A. Correct.

2 Q. Prior to December 8th, 2015?

3 A. Correct.

4 Q. So December 8th, 2015 is the first entry of any money going
5 into Mr. Ketabchi's account of \$3,000. Is that right?

6 A. The first identifiable deposit, correct.

7 Q. You told us that the total for this entire year came to,
8 including all the cash deposits, \$30,825.00. Is that right?

9 A. On this chart, yes.

10 Q. Well, you said that he had received deposits from other
11 entities other than A1. Is that right?

12 A. Yes.

13 Q. I think you told us he received monies from Lyft and Uber?

14 A. Correct.

15 Q. And do you know how much money he received from those
16 entities?

17 A. I don't have the actual numbers.

18 (Off-the-record discussion)

19 Q. I know you're an accountant and you may be able to be good
20 with numbers in your head, probably better than me, but would
21 you agree off the top of your head if you were to subtract the
22 cash deposits of Mr. Ketabchi's payments into his account
23 rather than \$30,325.00, the sum total from A1 would be 19,000
24 and some-odd dollars?

25 THE COURT: Is there a question?

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1 Q. Yes, that is the question.

2 If you were to subtract the total of deposits from A1
3 that was sent into this account, there would be a total of
4 \$19,025.00. Is that right?

5 THE COURT: Can you say that is correct?

6 THE WITNESS: Without cash?

7 BY MR. PAUL:

8 Q. Let me rephrase it, Judge.

9 If you were to remove the cash deposits and just focus
10 on the A1 deposits into Mr. Ketabchi's account, it would come
11 to approximately \$19,000. Is that fair?

12 A. That's fair. Closer to 20,000.

13 Q. Right. I knew you could do it. Thank you.

14 MR. PAUL: I have no further questions, Judge -- wait.
15 I am sorry. One second, please.

16 (Off-the-record discussion)

17 MR. PAUL: Thank you. Nothing further.

18 THE COURT: The government?

19 MS. FLETCHER: No further questions.

20 THE COURT: Thank you, Ms. Casanova. You may step
21 down. You're excused.

22 (Witness excused)

23 THE COURT: Ladies and gentlemen, it is 4:30. I think
24 we should break for the day today. Now, I think I'm able
25 tomorrow to give you a short day. I don't want to promise it,

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1 but because of the way for witness convenience and legal
2 matters, we may be able to give you a short day tomorrow. Come
3 in at 9:30 and we'll see how it goes. Thank you. Keep an open
4 mind.

5 (Jury excused).

6 THE COURT: All right. If everything is still the
7 same, tomorrow morning at 9:30 we'll have Mr. Bolus and then
8 the paralegal and David Kandar and the government will rest.
9 We'll have motions -- I'll excuse the jury. We'll have
10 motions, and we will pick it up again if there are going to be
11 defense cases on Thursday. We'll see how that goes.

12 Is there anything I can deal with now? I think the
13 parties have to discuss stipulations and a variety of things.

14 MR. SCHMIDT: May we have a moment, your Honor?

15 MR. PAUL: Just so your Honor knows where we're coming
16 from, the defense would ideally like to sum up on Monday, which
17 is where I think we are heading anyway, so we can do summations
18 and charge on Monday rather than try to squeeze it in on
19 Friday.

20 THE COURT: I think that makes sense. I didn't
21 promise anything to the jury so I am not promising anything to
22 you.

23 MR. PAUL: Fair enough.

24 THE COURT: That all makes sense, and although I must
25 say -- no, I won't say. All right.

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1 MR. SCHMIDT: We do have one issue. There is at least
2 one issue we can resolve one way or the other now.

3 The government is intending -- yes -- intending to put
4 this exhibit into evidence. It is a Instagram photograph. It
5 is an Instagram photograph that from I think Arash Ketabchi's
6 account. We have no objection to the photograph. We have
7 objection to the writing on the side. The writing on the side
8 is hearsay. It is not in furtherance of the conspiracy. It is
9 simply banter.

10 THE COURT: Are these words of Arash Ketabchi, is that
11 what it is?

12 MS. FLETCHER: They are. The government anticipates
13 arguing that in response hash tag, I hash tag pay attention is
14 a statement of Mr. Owimrin.

15 THE COURT: What is the relevance of all of these
16 statements?

17 MS. FLETCHER: The first statement, the statement from
18 Arash Ketabchi to Mr. Owimrin is --

19 THE COURT: Because I am not familiar with this
20 layout, either. Instagram is a means of exchanging
21 communications, correct, between people?

22 MS. FLETCHER: Your Honor, I expect that Ms. Kronthal,
23 who is significantly more knowledgeable than me, will testify
24 Instagram is a social media website where people post
25 photographs of things they're doing or things they just did to

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1 share with their friends, and sometimes when people post
2 photos, they write a comment about what the photo is about.

3 Then if you tag someone in the photograph or if you
4 tag some of their friends, then they can respond and comment
5 about the same photograph.

6 THE COURT: Do I have to be concerned with what
7 tagging is because it is adequate for me to know that this goes
8 out?

9 MS. FLETCHER: It does. The paralegal who we intend
10 to introduce this through will testify she went on Instagram,
11 on Arash Ketabchi's public Instagram page and saw this
12 particular post.

13 THE COURT: And then this is a statement of Arash
14 Ketabchi is known to Instagram as superstar ALK, is that it?

15 MS. FLETCHER: Yes.

16 THE COURT: He then says the killer 50 K a week is a
17 light week for him.

18 MS. FLETCHER: Yes.

19 THE COURT: Presumably himself. Is that the idea?

20 MS. FLETCHER: No. I think it the comment is meant to
21 refer to the person in the photograph which Mr. Sinclair has
22 already identified as Andrew Owimrin.

23 THE COURT: I see.

24 MS. FLETCHER: To put it in the government's terms, in
25 the government's view, this is Arash Ketabchi commending his

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1 subordinate for being a killer and making 50 K a week in sales.
2 It is a photograph of Mr. Owimrin in his office at Olive
3 Branch.

4 THE COURT: So the killer 50 K a week is a light week
5 for him?

6 MS. FLETCHER: Yes.

7 THE COURT: In other words, again I only looked at it,
8 the government is arguing for others making 50 K a week would
9 be a killer, but for Owimrin, it is a light week?

10 MS. FLETCHER: Yes.

11 THE COURT: What is hash tag pay attention hash tag
12 stay focused, et cetera, et cetera? What is all of that?

13 MS. FLETCHER: I am embarrassed on my inability to
14 explain hash tags, but as I understand it, if your Honor were
15 to, for example, look at Mr. Ketabchi's Instagram, you would
16 see a lot of photos that say hash tag pay attention.

17 The government does not intend to elicit what that
18 means other than it is something, as we understand it, that is
19 commonly on Instagram posts by him.

20 THE COURT: And then you're saying Mr. Owimrin
21 responds I hash tag pay attention?

22 MS. FLETCHER: Correct. In terms of evidentiary
23 rules, the government would submit that Owimrin's statement
24 comes in under 801 (d)(2)(A) and superstar ALK statement comes
25 in under 801 (a)(2)(E). He is essentially encouraging his

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1 salesperson, commending him for being a killer and making more
2 than 50 K a week in sales.

3 THE COURT: Just a moment. (Pause)

4 The statement is offered against an opposing party and
5 was made by the party in an individual capacity, is that what
6 you're referring to?

7 MS. FLETCHER: Yes, your Honor.

8 THE COURT: And then 801 (d)(2)(E) is the other?

9 MS. FLETCHER: Yes.

10 THE COURT: Mr. Schmidt.

11 MR. SCHMIDT: First, your Honor, of course, there is
12 an obvious way to actually prove that Mr. Owimrin --

13 THE COURT: Speak into the microphone, please, and
14 face the Reporter.

15 MR. SCHMIDT: There is an actual way to prove whether
16 he made \$50,000 in sales that week is the records that are in
17 the possession of the government instead of using what is
18 banter on the part of Mr. Arash Ketabchi. Obviously, the hash
19 tag pay attention for Mr. Owimrin is saying nothing as the hash
20 tag pay attention is for Arash Ketabchi, so that doesn't have
21 any really significance.

22 The real significance is the statement by Arash
23 Ketabchi that is not true. The government produced the sales,
24 but it is hearsay, it is not in furtherance of the conspiracy.

25 THE COURT: How is it hearsay?

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1 MR. SCHMIDT: It is a statement outside of the
2 courtroom made by another person.

3 THE COURT: Statements that are not hearsay, 801 (d),
4 statement that meets the following conditions is not hearsay:

5 2. A statement is offered against an opposing party
6 that was made by the party in an individual capacity.

7 MR. SCHMIDT: Well --

8 THE COURT: That says it is not hearsay.

9 MR. SCHMIDT: -- the individual capacity would be hash
10 tag pay attention, right?

11 THE COURT: No. The individual capacity is what
12 Superstar ALK, that is what Arash Ketabchi is saying. It is
13 proved by the government against an opposing party.

14 MR. SCHMIDT: Arash Ketabchi is not an opposing party
15 here, your Honor. He is not on trial.

16 MS. FLETCHER: The first statement is 801 (d)(2)(E).

17 Also just to correct something Mr. Schmidt said,
18 Mr. Owimrin's statement is not the same nothing hash tag pay
19 attention. It is, "I pay attention." He is adopting the
20 statement in the earlier post. So even were that not to be
21 admissible under 801 (d)(2)(E), it would be admissible under
22 Rule 106 to complete Mr. Owimrin's statement he is paying
23 attention.

24 THE COURT: What does Owimrin's statement, "I pay
25 attention" mean?

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1 MS. FLETCHER: The government would argue it is an
2 acknowledgment of what Superstar ALK is saying. He is
3 agreeing -- assuming arguendo -- the government's argument is
4 that he is saying well, the reason I made 50 K a week in sales
5 is because I pay attention.

6 MR. SCHMIDT: As the government had actually said a
7 little bit before, that Mr. Arash Ketabchi almost in all of his
8 Instagram posts says hash tag pay attention, hash tag stay
9 focused, right?

10 THE COURT: Doesn't that support the government's
11 statement that here he is being Joe Torre for his baseball
12 team?

13 MR. SCHMIDT: Who is being Joe Torre?

14 THE COURT: That Superstar ALK. In other words, he is
15 revving up the sales force?

16 MR. SCHMIDT: Judge, I guess there are statements that
17 actually are in furtherance of the conspiracy, and there are
18 statements that if you want to look at it in a particular kind
19 of way, it is between two people who are part of the conspiracy
20 must be part of it.

21 THE COURT: I don't understand. Sorry, I don't
22 understand.

23 MR. SCHMIDT: Mr. Ketabchi's statement is banter and
24 not part of --

25 THE COURT: I understand that argument. Isn't the

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1 government entitled to argue that, but to argue this is in
2 furtherance of the conspiracy, that it, it is revving up the
3 sales force? What is the date on this, by the way? Does
4 anyone know that?

5 MS. FLETCHER: May 26, 2014. That is the date the
6 photograph is posted.

7 THE COURT: Isn't the government entitled to argue
8 that, and you can argue whatever you wish to argue?

9 MR. SCHMIDT: Your Honor --

10 THE COURT: The statement is offered against an
11 opposing party, it is offered by the government against
12 Owimrin, and it is made by the party's co-conspirator Arash
13 Ketabchi during and in furtherance of the conspiracy.

14 It seems to me, now that I've focused in on it, that
15 is 801 (d)(2)(E). I am admitting it, all right? Anything
16 else? Just one request. Mr. Paul, will you speak to
17 Mr. Schmidt about pronunciation?

18 MR. PAUL: I will work on it before he goes to sleep.

19 THE COURT: Thank you. That is now. Thank you.

20 (Court adjourned until Wednesday, October 31, 2018,
21 9:30 am)

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GOVERNMENT EXHIBITS

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